

City Council Transcripts 8/23/2012

gary

dyer from the austin baptist church.

Please rise.

>> May we pray?

Oh go our father we come today with praise and gratitude to you for your goodness as well as your greatness, for your mercy as well as your might.

We thank you for the privilege and the bless of living in a great nation and a great state and certainly a great, great city.

Father even though it a great city we know there are bill challenges that face any city of any significance today.

We know that makes the matters before this council and this mayor weighty and important and vital.

So we pray that you will give them the ability to go with wisdom and give some great insight into the right choices, that they would go beyond that which is popular to that which is proper, and that they would be guided by you in all that they think and do and decide and discuss.

We thank you for their
commitment knowing that they
are faced with many
challenges and many would
think they could do a better
job who aren't in it, and
that's just the way it goes.

But we know that you've
guided them to this place,
you've given them a burden
for the city.

And we pray that today as
they act they would know
your leadership and our city
would be better for not just
the days to come, but
generations to come as a
result of the choices they
make and the actions they
take.

We ask this for your honor,
amen.

>> Mayor Leffingwell:
Amen.

Thank you, pastor.

Please be seated.

[10:10:00]

A quorum is present so I'll
call this meeting of the
austin city council to order
ON THURSDAY, AUGUST 23rd,
2012 At 10:10 a.m.

We're meeting in the council
chambers, austin city hall,
301 west streaked, austin,
texas.

We'll go to the changes and corrections first for today's agenda.

On item number 1, strike 18 after special called meetings of august 17th, etcetera, strike 18.

That is not included.

Item number 26 is withdrawn.

Item number 28 is withdrawn.

Item number 30 is postponed until september 27th, 2012.

Items 34, 35 and 36 and 41 and 40 pulled out of order there.

34, 35, 36, 40 And 41 add recommended by the electric utility commission.

Item 43 is withdrawn.

Item 46 add recommended by the water and wastewater commission and the electric utility commission.

Item 48 add postponed until -- it will be postponed until september 27th, 2012.

On item number 69 add as a second co-sponsor councilmember martinez.

On item 71 add as a second co-sponsor mayor pro tem cole.

On item 75 add sponsors
councilmember riley,
councilmember martinez and
councilmember cole.

Item number 80 is postponed

[10:12:01]

until october 8th, 2012.

Time certain items for today
at 12 noon we'll have
general citizens
communication.

we'll have a
discussion and possible
action on bond sales.

or after is a
time certain for recessing
the council meeting and
convening the mueller local
government corporation
meeting.

And on the title page to
that add as a change, add
william spelman as a
director.

And under the officers
heading add kevin johns and
delete rodney gonzalez.

or after we'll
take up our zoning matters.

At 4:00 our public hearings.

30 live music and
proclamations.

And the musician for today
is the sons of orpheus.

It may be one musician.

The consent agenda for today is items 1 through 78, and item number 60, which will remain on the agenda, I will read into the record.

And there will be other items which I will go through in a minute that will be pulled from the consent agenda.

Another lengthy list of appointments.

Or nominations I should say.

To the african-american resource advisory chiquita eugene nominated by councilmember martinez.

To the animal advisory commission, david lund stead.

By councilmember martinez, howard katz.

Mayor pro tem to the austin airport advisory commission, steven hart, councilmember martinez.

To the austin mayor's committee for people with

[10:14:04]

disabilities, kathy kasprisin, councilmember martinez.

To the austin music
commission, richard garza,
councilmember martinez.

To the bond oversight
committee, councilmember
martinez.

Building and fire code board
of appeals, james sullivan
by councilmember martinez.

Building and standards
commission, stacy helpowitz
by may.

To the commission on
immigrant affairs, thomas
esparza, councilmember
martinez.

To the community development
commission, margaret
(indiscernible),
representative of colony
park by councilmember
martinez.

Sandy mcmillan,
representative of south
austin by mayor pro tem cole
and terri shepherdson,
councilmember martinez.

To the design commission,
juan cotera senior,
councilmember martinez.

To the downtown community
court advisory committee,
bruce smells, councilmember
martinez.

Early childhood council,
john kyle holder,
councilmember martinez.

Electric board, richard
schmidt, councilmember
martinez.

Electric utility commission,
boerne personfield,
companies.

Environmental board, marissa
(indiscernible),
councilmember martinez.

Ethics review commission,
dennis bates, councilmember
martinez.

Historic landmark
commission, john row so the
tow, councilmember martinez.

And andrea roberts,
councilmember spelman.

To the impact fee advisory
committee, rick conway,
councilmember martinez.

And hank kidwell, mayor
leffingwell.

Library commission, ben
arneas, councilmember
martinez.

, westbound and
small business enterprise
procurement program advisory
committee, ed low enburg,
councilmember martinez.

[10:16:00]

Mechanical plumbing and
solar board, steven cox,
councilmember martinez.

To the mexican-american
cultural center advisory
board, sylvia roscoe,
councilmember martinez.

Parks and recreation board,
susana almanza,
councilmember martinez.

Residential design and
compatibility commission,
lucy katz, councilmember
martinez.

Resource management
harry crush
sha, councilmember martinez.

To the rma plan
implementation advisory
commission, carol drennan,
councilmember spelman.

And james dwyer,
councilmember martinez.

To the parks board
(indiscernible), urban
forestry board
(indiscernible),
councilmember martinez.

To the urban renewal board,
andrew bucknal, gary smith
all nominated by mayor
leffingwell.

Water and wastewater
commission dale grave by
councilmember martinez.

Waterfront planning advisory
board, brooke bailey,
councilmember martinez.

Several waivers for today.

Approve a waiver of the residency requirements of the city code for steven hart's service on the austin airport advisory commission.

And fool charles cotman service on the building and standards commission.

And for cassandra taylor's service on community development commission.

And for robert smith on the electric board.

And also approve a waiver of the attendance requirement in section 2126 of the city code for james kelsey's

[10:18:01]

service on the airport advisory commission.

The waiver includes absences from today's date, same waiver and same language applies to stacy (indiscernible) service on the building and standards commission.

And for randy walden's service on the electric board.

And for sheila holbrook white's service on the urban transportation commission.

So those are our appointments and waivers for boards and commissions.

And we have several items that will be pulled off of the consent agenda.

We'll go through those now.

Again, items 1 through 78 with item 3 pulled by mayor leffingwell.

Item 18 will be pulled for a presentation by the law department.

Item 22 will be pulled to be heard after executive session.

Items 32, 46 and 69 pulled by councilmember morrison.

Items 61, 6263 and 64 pulled by mayor leffingwell.

These are our evaluation ordinances.

And item 72 pulled by councilmember martinez.

Are are there any additions?

>> Martinez: Can you pull item 21 and can we have some staff available for a few questions on 21?

>> Mayor Leffingwell: Item

[10:20:01]

number 21 also pulled by councilmember martinez.

So we have several speakers who are signed up to speak on the consent agenda.

I will pull item num 35.

Add that to the list of items pulled.

Melinda rodriguez?

Is melinda rodriguez here?

You have to come up to the podium to speak.

And you have three minutes to speak on any item on the consent agenda.

>> I am speaking, my name is melinda rodriguez.

I'm speaking on agenda number 49.

This is to approve the funding or the purchase of the helicopter for the austin police department.

I am the president of the citizens police academy alumni association and I'm here representing them as well.

I have witnessed firsthand as a volunteer for the police department how beneficial having a helicopter can be.

I am out on fridays and saturday nights assisting

the police, interpreting for our citizens.

And so I've witnessed on multiple occasions how austin air one is called out.

I'm privy to listen to the radio traffic, so on any given friday or saturday night, which is the busiest times, they are called out three or four times a night to assist with police chases, high speed chases, missing individuals, a suspect who has fled on

[10:22:02]

foot.

And I cannot express to you or stress enough how beneficial this would be.

You really have to think about what price do you want to put on someone's life.

If an elderly person is missing in the woods, who would they call?

This aircraft that they have now is a bit older, so it is money to maintain this helicopter as it is.

We need something that's newer, something that is a little bit -- that is not going to be so costly to the city.

As a volunteer and as some of our other members are volunteers, we have given countless hours of volunteer work to the department and have saved not just the department, but has saved the city thousands and hundreds of thousands of dollars in the work that we do.

We don't get paid.

I have a full-time job.

I work 40 to 60 hours a week and still manage to put in another -- it's almost like a part-time job for me to come help a.p.d.

I ask that you please consider and vote in favor of spending this money.

We are doing /the city/constituent a favor of saving you money, so in turn maybe you could potentially consider using this money and grant them this additional -- this aircraft that is now irrelevant and will eventually save you guys money.

>> Mayor Leffingwell:
Thank you.

I will also pull item number 46 from the consent agenda.

It's already pulled?

Okay.

Paul robbins.

Three minutes to speak on any item on the consent agenda.

>> Council, I'm here to support item 67, which is the regulation of water

[10:24:00]

wells in the austin area.

I support it, I appreciate the councilmembers who thought it up.

I do want to comment if there are three reasons that people are drilling wells in austin.

One is that they are not limited to two days per week watering as the rest of the city.

It is my opinion that you could justify a requirement for well users to comply with this on the rationale that it encourages conservation, which is for the greater good of the city.

Even though they are not on the water system, the austin water utility system.

Second is that austin has steep tiers for successively increasing amounts of consumption.

You could change this and it would reduce the cost to high users.

I would not advise it because the high tiers are an economic incentive for the rest of the public to conserve.

The third reason is that have you heard?

Austin has the highest water cost of the top 10 cities in texas.

This is to you to high debt, high electric consumption, a high percentage of money transferred to the general fund.

And to a lesser extent vacant land that the utility could gain profit from and they have not sold it.

Or the development rights to it.

And having some of the higher water cost in texas, the utility seems to likely ignore the predicament.

They come in year after year

[10:26:01]

and expect council to rubber stamp rate increases, and i would ask you to start digging into why the costs are so high and what might be done about it.

Thank you.

>> Mayor Leffingwell: If i could make a comment and make sure I understand correctly.

robbins said
this called for the
regulations.

The resolution I'm reading says requires for registration to come back on november first and talk about a permitting process that would ensure compliance with state and local laws.

So it's for registration,
not regulation.

I think we have libby
zacorro.

>> [Inaudible - no mic].

>> Mayor Leffingwell:
Thank you.

69 Is pulled.

Disregard that.

I don't believe 78 has been
pulled.

78, Steve metcalf.

>> Mayor, councilmembers,
steve metcalf.

On item 78 I'm talking about
the estancia hill country
project, which is listed as
one of the items to start

the process for full purpose annexation.

We started talking to staff and management about eight months ago on doing a p.u.d.

And a p.i.d. on this tract.

[10:28:01]

And what we proposed would be to do limited purpose annexation so we avoid the double taxation.

We've been talking to staff about this for awhile.

I think staff believes that we can still do the p.i.d.

And have full purpose annexation and have the two taxes, and our client doesn't believe that will work with the market.

So if this land gets full purpose annexed, we will not and p.i.d. that goes with it.

It would be a standard city code project where if we do the mid pud and the mid we're talking about doing affordable housing, we're talking about doing volume met tick water control or drainage controls, tree preservation, all the things that do with the superiority that comes with a p.u.d.

So what we are asking is --

>> Mayor Leffingwell:
metcalf, this item is
only to set the public
hearing.

So there will be ample
opportunity to make your
meritorious arguments at the
actual public hearing.

I just wanted to make sure
you knew that.

>> I understand.

So anyway, I just wanted to
get it out there before this
means too far down the
process that we really don't
think it would work to be
full purpose annex and do
that we want to
do and create the project
that we want to create.

So I'm happy to leave it at
that.

I just wanted to get that
out there publicly before
this gets too far down.

>> Mayor Leffingwell:
Thank you.

Councilmember morrison may
have a question for you.

>> Morrison: I don't
really have a question, but
I do have a follow-up
request from staff.

And that is that I hope that
when we get to the hearing
we'll be able to have some

clear options and evaluations from staff on the two different approaches, what the scenario will be if we have full purpose annexation, but then also what the scenario would be if we do limited full purpose annexation as you have been talking about.

[10:30:00]

So I would ask staff to be prepared for that when we have our hearing.

>> Mayor Leffingwell:
Councilmember Riley.

>> Riley: I would like to join councilmember Morrison in voicing my interest in hearing a full explanation from staff about why we might be shifting gears with respect to the annexation plans.

>> Mayor Leffingwell: Is there a motion to approve the consent agenda?

>> Cole: Mayor, I'll make that motion, but --

>> Mayor Leffingwell:
Mayor pro tem moves to approve.

There's a second.

Councilmember Cole?

>> Cole: I want to echo the concerns especially in

terms of the property tax and economic impacts on the limited purpose annexation versus the full purpose annexation.

And providing those services.

Actually for staff to be prepared to show us a competent return on investment with respect to those.

All in favor say aye all in favor of the motion say aye?

Oppose said no.

It passes on a vote of six to zero with councilmember spelman off the dais.

And now without objection, council, we'll go to item 69.

We do have one speaker signed up.

Councilmember morrison recognized.

>> Morrison: I would like to first introduce this item, mayor.

This is an item to consider an honorary renaming of fourth street from congress to rio grande, to have the honorary title of bettie nailer street.

Bettie passed away last
april and when she did we
lost a very special person
in our community.

>> Mayor Leffingwell:
Councilmember morrison, just
a second.

As you leave the chambers,
please hold it down because
we're tipping to do business
here.

Thank you.

>> Morrison: We all know
that bettie was a fierce
advocate for the lbgt

[10:32:00]

community and women's
rights.

She worked tirelessly for
people to stand up to find
their voice.

She had amazing involvement
in so many things over the
decade.

Her early civic involvement
was in women's rights causes
when she helped women
organize and unite against
unfair wages.

She was a founding member of
the human rights campaign, a
founder of the texas and
national women's political
caucus.

She co-founded out youth,
which is a terrific
organization here in town.

She was a leader for
equality texas and for
austin pride fills, which is
a partner of austin habitat
for humanity.

Some of the organizations
that she and her partner,
libby, were involved in, and
helped, were aids services
of austin, project
transition, pro choice
texas, annie's list, atta
circle, capital hear
democratic women's, zach
scott theater and america's
youth works and she was also
a staple around the capitol.

So I think it's entirely
fitting that we honor bettie
this renaming.

We are fortunate enough to
have with us this morning,
libby, bettie's partner, and
I wanted to invite libby up
to make a few comments if
she would like.

>> Mayor Leffingwell:
Welcome.

>> Good morning.

I first off wanted to
especially give thanks to
councilmember spelman and
morrison for bringing this
consent item.

Bettie woke up everyday with a desire to know and do what she could for her community.

And it was in no regard to race, religion, social standings.

There was no one unworthy of

[10:34:00]

her time and her efforts to make this a better community for all of us.

But I think this honor is especially outstanding for the lbgt community of austin, texas, that we have a council who is progressive enough to look at this great honor for this wonderful woman and who I'm able to speak for and say she would be tremendously honored.

And I am honored to live in austin, texas.

Thank you so much.

>> Mayor Leffingwell:
Thank you.

>> Morrison: This obviously has a lot of meaning for a lot of people.

And we received an email from one -- from several people supporting this item.

There was one that particularly spoke to me because it talked about the

impact that bettie had on
this person's life.

And I just wanted to briefly
read parts of this message
that we received and it was
to all members of the
council and the mayor.

And they say I was so happy
to learn that before you on
thursday's meeting will be
the opportunity to
memorialize a woman who has
done so much for so many
over the course of her
career.

Her efforts for women and
for the lgbt community are a
tribute to her unwaivering
commitment to equality and
her compassion for others.

There could be no finer
person to pay tribute to
that than bettie.

Her life gave the lgbt
community, of which I am a
member, this person writes,
an example of the type of
way to go about seeking
equality as well as
believing in one's self
regardless of social norms
and the odds you may face.

It would make me so proud to
walk down what is now west
fourth street and see a sign
that reads bettie naylor
street.

So I think that says it
better than pretty much
anybody could.

And before I move approval i

[10:36:00]

do want to recognize and
thank my past staff member
and also councilmember
spelman's office who were
behind getting this through
all the bureaucracy that we
seem to be able to find in
the city of austin.

So the plans are that this
is -- the signs will go up
in september in time for a
celebration and unveiling
and coordination with pride,
which is later in september.

Stay tuned for that.

And we hope also not only to
have libby there with us at
the time and many of
bettie's friends, but also
bettie's children, sharon,
rick and chuck.

So with that, mayor, I move
approval.

>> Mayor Leffingwell:
Councilmember morrison moves
approval, seconded by
councilmember martinez.

Is there any further
discussion?

Congratulations, we've done
this a few times in the last

couple of years to honor very prominent citizens in the city of austin with an honorary street name, which of course enables people who use that street or live on that street to get their mail and their contacts at either one of those two addresses.

So congratulations again and we appreciate the life of bettie naylor.

All in favor say aye?

Opposed say no.

It passes on a vote of six to zero with councilmember spelman off the dais.

[Applause]
without objection, council, I'd like to bring up items 61, 62, 63 and 64 together.

These items relate to compensation for council appointees, including the city manager, the city clerk, the city auditor and the clerk of the municipal court.

I think you have in front of

[10:38:05]

you some resolutions for items 61, 63 and 64, and a substitute ordinance for item number 62.

The substitute documents are yellow sheets, and these documents contain current compensation numbers for each of these appointees and language adjusting their compensation beginning at the first period of the next fiscal year, which against OCTOBER 1st.

By way of background, mayor and council have evaluated the performance of these appointees separately during executive sessions that were held on June 14th, June 28th and August 16th of this year.

The substitute resolutions and substitute ordinance, proposed salary adjustments for these appointees based on these evaluations.

The substitute resolutions for the city manager, the city clerk and the auditor state that their current base salaries will be adjusted at the same time in the same way and under the same conditions as any annual base pay adjustment for non-civil service employees throughout the annual budget process for the 2012-13 budget.

In other words, those resolutions do not state that the city manager, the city clerk and the auditor will automatically get an increase, but if council

approves an increase for the general non-civil service workforce in the 2012-2013 budget, then the manager, the clerk and the auditor will get the same adjustment as the non-civil service workforce beginning at the same time.

The substitute ordinance establishing compensation for the municipal court clerk will increase the clerk's annual salary by five percent from their

[10:40:00]

current level beginning with the first pay period on the 2012-13 fiscal year which BEGINS ON SEPTEMBER 23rd.

The reason for the difference in this treatment in the municipal court clerk's compensation is to bring that salary closer to the market rate.

The others are already at or very near the market rates, but that's for the municipal court clerk's salary based on salary reviews, and those reviews were conducted by city staff.

All of the other compensation and benefit terms for these appointees remain unchanged from their present levels.

So I think, mayor pro tem, as a co-sponsor, would you make a motion to approve items 61 through 64 and all three substitute resolutions in the substitute ordinance before you?

>> Cole: Yes, mayor.

I move approval of items 61, 62, 63 and 64 and all of the substitute motions.

>> Mayor Leffingwell: And I will second that.

And for the ordinance that will be on all three readings.

Is there any discussion?

>> Cole: Yes, mayor, i would like to make a few comments.

I think sometimes it's confusing because we do have a city manager form of government, that there actually be major city employees who report directly to us.

And that is the city clerk and the city manager and the municipal court and the auditor.

We have evaluated their performance in executive session and found them all quite satisfactory and are proposing as the mayor said a potential may increase

with the annual budget as that may go for non-civil service employees.

So I would like to thank them for their continued service.

>> Mayor Leffingwell:
Yeah.

And I would just like to say from my personal perspective, all of these employees deserve more, but as we know we live in a difficult time and balancing

[10:42:01]

our budget this year as it has been for the past several years, has been very difficult.

So we wanted to do as much as we possibly could for all and i think that's what this ordinance and these resolutions reflect.

All in favor say aye?

Opposed say no.

It passes on a vote of six to zero with councilmember spelman off the dais.

I need to step off the dais just for a second, but i would like to bring up item 18 with a brief presentation by law and turn it over to

mayor pro tem for just a second.

>> Good morning, mayor pro tem, council.

My name is meagan riley and I represent the law department.

I'm here today to recommend settlement in harper park versus city of austin, which is a chapter 245 lawsuit brought by harper park to clarify its rights for development.

This week reprovided you with a memo that provides additional details about the case, but as we recently pointed out, we tried this lawsuit to a travis county district court judge where the city initially prevailed in district court.

Harper's park appealed it to the appeals court.

The city brought this before the supreme court where the supreme court denied the appeal and remanded the case back to the district court on the sole remaining issues of attorneys fees and cost.

With that we recommend supplement of attorneys fees and costs on the following we recommend payment of the attorneys' fees to the attorneys representing harper park in the amount of

[10:44:01]

89,500, which represents both the trial and appellate costs in this case.

This amount would be paid out of the city's liability reserve fund.

In exchange for this payment, the parties will seek dismissal of the remaining portion of the lawsuit and seek a mutual release.

We recommend therefore that the council approve payment of the settlement of 89,500 to the legal representative of harper park.

Any questions?

>> Cole: Questions, colleagues?

Motions?

Councilmember riley.

>> Riley: Move approval of the settlement as recommended.

>> Cole: I'll second that.

All in favor say aye?

That passes on a vote of four in favor, two missing from the dais, that being councilmember martinez and councilmember spelman, and mayor leffingwell.

Thank you.

The next item I'll call for speakers is item number 46, which was actually pulled by councilmember morrison.

Would you like to make a comment before the speakers?

>> Morrison: Thank you, mayor pro tem.

I wonder if we have staff here that could answer some questions for us?

Particularly from arr.

Some questions have arisen about what actually is included or not included in this item.

And secondarily or maybe not secondarily, we do have a recommendation on this item from the water and wastewater commission and the electric utility commission, but we don't have a recommendation one way or the other from the zero waste advisory

[10:46:01]

commission.

And I wondered about if we could get straight exactly what is included in this because there were some questions about the arr item.

And also what is the process for taking items to the commission.

>> Yes.

Bob gettert.

We have a couple of issues here.

One is that there is confusion on the posting of this item.

This item does not include the rolloff trucks and chassis and boxes that were discussed earlier.

And that was pulled from the agenda item a couple of weeks ago and not itemized in this agenda item.

So that will come to council at a later date and be fully discussed at swac.

That has not been discussed in full.

So we will be moving that in a separate tracking for truck purchases.

The vehicles that are currently on the listing for posting today was discussed at swac last may or june in the budget process for the adoption of this year's budget.

And there was a slide we talked about trucks, this is

the follow-up purchase for what was adopted in last year's budget.

>> Morrison: Okay, great.

I know we have some speakers, so I would be happy to defer to them.

>> Mayor Leffingwell: We have speakers?

And the first speaker is michael whelan.

>> Michael whelan on behalf of tds.

I think he summarize it had when he said there's been confusion for this item.

What happened was there was a request to purchase a bunch of rolloff equipment in july and then unilaterally was pulled off and wasn't listed in the august 8th director's report.

All the other equipment purchases were listed in the directors report for swac,

[10:48:01]

but these items were not listed.

Each though the items had been discussed at swac.

So I think the confusion primarily comes from fact that they weren't listed.

They showed up.

And yes, there was a last minute flurry in the last 24 hours when we realized that there was this confusion because there were emails from purchasing about bunch of other equipment.

And it is unclear to us primarily when you brooke at the agenda item, whether the chassis, which can be used for rolloff equipment, will or will not be used for rolloff equipment.

I think that's the type of clarity that can quickly be handled at swac and should have been handled at swac.

I also think there's no reason to rush.

If we just breathe for 30 days, send it back to swac, we can let the other haulers who are in this business a broader hauler involvement i think is appropriate for something like this.

So I don't think there's any reason to rush something when we know that there is, as has been acknowledged, some confusion on the item.

So I think all we would like is for this to go back to swac.

Just the austin resource recovery items, all the other items for them if they would like to have that discussion and to get broader hauler involvement on the item.

We're not in the rolloff -- that isn't our contract.

That's an allied waste contract, but I think they too may have an opinion about the chassis that are being built -- that are being purchased.

So again, if there's any questions, I'm happy to them, but I think there's no reason to delay the other items, but for these items at austin resource recovery is seeking they weren't listed on the august 8th report as were all the other items that were being purchased today by the department, and there's no reason to simply postpone that for 30 days.

>> Mayor Leffingwell:
Questions for you from councilmember morrison.

>> Morrison: Are you suggesting taking all of the arr items off the list or just the chassis?

[10:50:01]

>> Well, I think if you look at the items, there's no reason why these items can't be taken off at this point.

I don't think there's any urgency with some of these items that are listed, any health, safety reason for a 30-day delay to have swac look at them, have them listed on director's report and if there's somebody that wants to weigh in from the broader hauler community they can once they're there.

>> Morrison: I'll talk to staff about planning issues, but my question is are there particular items on this list that did not show up on the report previously?

>> I don't think any of the items under the austin resource recover diablo department list that were on the report august eighth and the chassis are the chassis that -- I think that's a run crank carrier refuse chassis and two dump truck chassis would be champs that are not on and they can be converted for different purposes.

>> And those are the ones that are of particular concern.

>> Correct.

>> Morrison: Thank you.

>> Mayor Leffingwell:
Bryan hobbs.

No comments?

waylan, you don't need
any more time, I assume?

I guess I have a question
for the director.

So it's my understanding
what I'm hearing is it would
be normal to post these, run
them by the -- I believe
it's now called zwac
commission for
recommendation.

>> I am open to new
processes.

Our past practice has been
to summarize vehicles for --
itemize vehicles for
purchases in the
powerpoints.

I usually give two or three
budgetary discussions with

[10:52:01]

zwac in the budget process,
and that includes the
trucks.

We don't normally go back to
zwac with truck purchases
when they are ready for the
purchase because they've
been adopted within the
budget.

We can change our process at -- I'm completely open to that process.

We have identified the vehicles that are currently on this list as replacement vehicles.

The chassis that were in question are chassis for the replacement vehicles and bodies that are listed here.

None of these are abnormal purchases.

The only abnormal purchase has been taken off, and that is the roll you've containers.

And trucks.

Rolloff containers and trucks.

>> Mayor Leffingwell: Is there any hardship in going back to the zwac for this group of items?

>> There's no hardship on these items to go back and delay and go through that process.

That would be okay with me.

My concern is that this is a multidepartment item and i don't want to affect the items from the other departments.

>> Mayor Leffingwell:
Well, I guess it would be possible to focus only on you, just pick on you and not on the others.

Thank you.

>> Morrison: Mayor?

I would like to make a motion that we approve this item with an amendment that we remove the equipment that's listed under austin resource recovery and ask that staff make those -- i call it zwac.

You know what we're talking about, bob.

And return and do time.

And I wonder if there's an issue, other things would have to be amended besides just the motion to approve with the removal of the arr item.

>> We understand the

[10:54:01]

directive would be to -- that council would be approving all items with deletion of the items from solid waste from the zwac that would be approved by swac, which is still the solid waste advisory commission, for arr.

>> Mayor Leffingwell:
You're behind that one too.

It's zwac.

>> My apologies.

And we'll work with the city
clerk and get the exact
total to match that total.

>> Morrison: Great.

That's my motion.

>> Mayor Leffingwell:
Motion by councilmember
morrison.

>> Cole: I'll second that.

>> Mayor Leffingwell:
Seconded by the mayor pro
tem.

Further discussion?

All in favor say aye?

Opposed say no.

That passes on a vote of six
to zero with councilmember
spelman off the dais.

We'll go to item number
three.

No citizens signed up to
speak.

I pulled this item off just
for further discussion if
need be.

I made some remarks the day before yesterday in the work session.

The comment that I wanted to make was this has to do with an extraordinary, extra expense to austin energy, and suggesting that we go back out with another r.f.p.

To replace the one that was turned down sometime ago.

Could somebody from staff address the practicality of that suggestion?

>> Buy on johnson, purchasing.

I'm happy to do that and we can run through budget or anything else.

[10:56:00]

From the purchasing standpoint we have a contract in place.

That contract currently does not expire for a period of time.

So we have it on a month-to-month basis.

We can certainly go back with a new solicitation that would give us whatever scope is desired.

>> Mayor Leffingwell:
Mayor pro tem?

>> Cole: Byron, I have a couple of questions to make sure I understand this item.

And unfortunately I was not at the work session on tuesday.

Can you give me the background?

This seems to be an item that we sent back that you had brought forward earlier.

Is that correct?

>> We're going to tag team this.

>> Cole: I remember there were some benefits.

>> This, you had an item that was for the --

>> Mayor Leffingwell: Could I interrupt for you a second?

I just remembered mayor pro tem was not here that work session, so we can reiterate that discussion for her.

>> There was an item at council for a contract renewal.

There was a proposal for a budget for the building services to perform that work.

We then -- purchasing brought fourth another

temporary contract to provide time to be able to have all that transition happen.

Then building services worked with budget for the budget appropriation and authority to be able to have the positions.

And so eric can bring you up to date on the item.

>> The item that you have before you today includes the original scope of work and facilities that were considered in march by the council.

[10:58:00]

It also includes additional facilities which are under construction such as the service control center and some other facilities that are under contract for custodial services that will expire in the coming years.

So what you see, the 28 positions include the original facilities that were considered in march plus the additional facilities that will be coming online.

We provide the total cost differential estimate, the 3 million over a five-year period of time.

The cost differential to the facilities that were considered in march was 3 million at that time when that analysis was done.

But that did not include the additional facilities.

>> Cole: Okay.

What I'm trying to be clear about is the additional cost.

Why is -- are we incurring, I guess a \$682,000 per year additional cost, is that right, from --

>> that's correct.

Part of that cost is -- a large part of that cost, 391 or 392,000.

And that's associated with new facilities that were not considered in the analysis in march.

And that includes roughly 200,000 square foot service control center which is under construction or being remodeled and will come online in november/december.

That was not part of the original contract proposal and it wasn't compared to contractor costs at that time in march.

These are additional facilities and we're making the assumption that we will bring all the facilities in-house to building services for custodial services.

What you see before you is that additional cost.

>> Let me make sure i understand it.

When you say additional facilities are you saying the additional cost is related to more work that the services that we bring in-house that they will be doing?

>> Correct.

>> Okay.

So it's not a situation of its inside cost versus outsourcing.

Or is it both?

>> Well, --

>> Mayor Leffingwell:
Could I interrupt here?

If what you say is correct and I accept that, then the backup material is wrong.

What the backup material says, this cost is 682,000.

It's seven dollars more than the projected cost if the

services were provided by an outside source.

>> Cole: Thank you, mayor.

Which is it?

We can't have it both ways.

Go ahead.

>> The costs represented here, we added the new facilities that were not considered in march and we estimated what the contract costs would be for private sector in order to continue this analysis to include those facilities.

The additional cost for the newer facilities included an additional full time equivalent, 13 and a half.

And we did a side by side, which is in the second chart.

We estimated what private contractor costs would be based on the terms of the contracts that were considered in march and the cost differential which comes out to 92,000 for the additional facilities and the additional 13 and a half 's and their equipment.

>> Cole: So are you saying if we brought the positions in we would use fewer people -- we would use more

people if we -- I'm not understanding you.

Are you saying that -- I'm trying to reconcile the idea that it's cheaper to actually outsource versus to do it with in-house personnel or not.

>> Okay.

The cost differ are rene marsh shall is primarily related to the benefits.

The city's costs for those items is -- as far as we can tell are higher than it is for the private contract that was considered in march.

>> Cole: One more time because I want to make sure that we got it because it's important to my vote.

Because we're in a budgets negotiations or time period where we're analyzing that and we want to make sure we're getting the best return on investment for the taxpayer dollar and at the same time trying to be sensitive to what we can provide to people that we actually outsource with.

So when I saw this, that it would be \$682,000 more and that's per year and the total additional cost would 3 million, I was concerned that we were

entering into a contract that was over three million dollars that if we outsourced would be considerably less.

So tell me if that is a correct analysis.

>> It is correct based on this analysis if we outsource it would be 3 million cheaper in our estimation.

>> Okay.

Ed, did you want to follow up with clarity on that?

>> Yes.

I just wanted to -- your analysis is correct.

That the contract costs would be less expensive.

If you look at the analysis we did we broke it out by line item.

It's labor cost.

The city's labor cost with benefits would be more expensive and to run the various facilities that Eric's been talking about, \$680,000 per year more for the city to deliver those services than the contractor to deliver those services, primarily due to our high labor costs.

>> Cole: Okay.

Thank you, ed.

Given the increased cost, and I certainly appreciate the full discussion we've had before about trying to provide more benefits to services that are outsourced, but I will not be supporting this motion.

>> Mayor Leffingwell: Is that a motion?

>> Cole: I am not supporting the motion.

>> Mayor Leffingwell: There isn't one.

>> Cole: I will not be supporting it.

>> Mayor Leffingwell: You are not making a motion?

Councilmember martinez?

>> Martinez: We all hear a lot and talk a lot about things like affordability and ensuring that everyone in austin has an opportunity to be successful, to take care of their families.

We can't control the private sector.

We can control what we do with the city of austin.

And yes, it's three million dollars more over the life of this time span.

But that means that folks will have a job with a decent living wage with benefits to provide for their families and to be a full part of austin.

And so that to me is the policy issue.

It's not just about do we save money, do we contract out.

If that's the case, then where do we stop?

Do we contract out our firefighters next?

Do we contract out our e.m.s. next?

To me this is a decision about those exact values that we all talk about and that we hear about all the time.

How do we impact peep's lives in austin?

This is one way, bringing them in-house, making them city of austin employees, providing them with benefits, and potentially giving them civil service if the voters vote for it in november.

So that to me is a policy
premise as well.

I absolutely appreciate the
financial concerns.

Those are real concerns as
I'm not ignoring
those.

But for me when we're
continually challenged to
try to figure out ways to
try to help our community,
this is one way that we
truly can.

This is one decision that
will impact -- yes, it's
only 20 something, folks,
but those 20 something folks
need those jobs, we need
those benefits and most
likely they'll be
african-americans and
hispanics.

And most definitely they'll
be lower socioeconomic
status.

So I'm going to be voting
for this item.

>> Mayor Leffingwell: Let
me say that certainly i
appreciate -- did you make a
motion?

Seconded by councilmember
morrison.

I didn't hear the motion.

I just heard you say you
would be voting for it.

So there's a motion with a second on the table.

Let me just say that we have many contracts that we outsource and correct me if I'm wrong but for all the contracts is a living wage that the city requires.

There's some discussion with benefits, but I think the main savings that occur is councilmember martinez of scale.

On -- is economies of scale.

If we get someone to contract that is basically in that business, they can cover a lot more territory than us trying to hire employees to focus on a task that is isolated.

I appreciate everything you said, but there are times when we have to outsource and there are times when we have to look closely at the dollar amounts that could be saved.

And also we have to look at the contractors.

Councilmember martinez mentioned that in many cases these would be minority employees and probably many cases of owners are small businesses owned by minority contractors and that's a factor too.

So let me just say that in view of the nag in a 'tude of this differential what I'm asking is to go back and ask for another proposal and maybe we can get these numbers a little bit closer together, maybe we can't, but I would at least like to try.

Councilmember morrison.

>> Morrison: I think councilmember martinez's statement was very clearly laid o the issues.

So all I can say is for me this is an opportunity for us as a council to walk the walk and not just talk the talk.

>> Mayor Leffingwell:
Further discussion?

Councilmember tovo.

>> Tovo: I'm going to support the motion for all the reasons that councilmember martinez articulated.

And I just want to add that I think there are appropriate times to hire contract labor when we have very specialized tasks, when we need expertise that doesn't exist in the city.

This is clearly an ongoing need for permanent custodial

assistance in these buildings.

And as councilmember martinez articulated, i mean, if we were really looking for ways to contract labor out, we probably could find lots of opportunities to do so.

But I don't think that's the right way to go about creating a strong city government that functions well for the city of austin when we have permanent ongoing needs for staffing assistance.

Those should be permanent employees.

So I will be supporting the motion.

And I do appreciate all the concerns people have raised.

>> Riley: I have a question for staff that relates to this subject.

We actually covered some of this in the work session, but if we could go back over it.

The question as come up to what extent we can require certain wage levels in the course of the procurement process.

>> If I may, would you like a legal opinion?

>> Riley: I think there's a legal answer to that.

When we go to contract can we say that we as a condition of a particular procurement for services like this, can we say and the employees must get at least \$11 an hour?

>> Lee Crawford, city law department.

We do have the ability, councilmember, when we're letting a contract like this for services to stipulate a wage rate for the contractor who will be performing work for the city under that contract.

There is a state law that gives us the ability to do that.

>> So we are restricted from looking at benefits offered by the employers and what we heard in work session the other day.

>> That is correct, councilmember.

There is an attorney general opinion that talks about the kinds of restrictions that we can put on bid stipulations and conditions when we let out contracts for goods and services.

All of those stipulations and conditions need to

relate directly to the quality or count of goods and services that the city is purchasing.

And the attorney general has opined on that statute and indicates that requiring health benefits for employees of a contractor does not relate directly to the quality or quantity of the goods and services, therefore that is a condition we are not permitted to make under state law.

>> Riley: We can set conditions with respect to the amounts to pay and have we typically done that with our procurement?

>> I'm not sure how widespread the provision is, but it gives us that authority.

>> Riley: Can you give us our past practice?

>> Thank you.

Did council have the directive that as a resolution that is passed that it's called the universally wage.

And we put that in contracts that have services for those people that directly work at our facility.

So if it's a janitorial contract and they are working at our facility, then those wage rates are in there.

And that is a provision that it is there.

If that employees works for the company and they don't work for just our facility, they may work on multiple contracts, maybe they're a part-time employee and they work at our facility and then they work at another facility for another business that they have a contract work, it only applies to work on our contract.

>> Riley: So the estimate that we got on the cost, the comparison of the cost of outsourcing versus the employees in-house, did that -- did that assessment started from the presumption that we would be requiring a living wage and of course outsourcing?

>> That is correct.

The bids that we had that were for -- they do sign this commitment that they do have the living wage rate and that is monitored and it is something that we do monitor and watch carefully and make sure they do comply.

We make them have employees sign that they are actually being paid at that rate.

The difference as the mayor pro tem said, is the wage rate that we pay versus the wage rates that are in the contracts plus the benefits and the pension and the other things that we have that we use as what's called the loaded wage rate.

>> Riley: So it's our sense of for outsourcing that we do prescribe a rate structure that the pay rate then following the living wage, but the difference is likely due to the benefits, which we can't control.

>> Pension, benefits and the other things that go into our living wage rate.

>> Riley: Can I just ask the city manager to provide a brief update on where we are with respect to this holistic assessment about outsourcing?

I understand -- or maybe buy on you could provide that information about where -- i know there is ongoing work to look at all of our city contracts and I just wanted to see if we could find out where we are on that.

>> We are working on that and I can give you a bit of an update.

I think during the work session I believe that byron in conjunction with gavino are on point carrying out that analysis.

I'm going to -- ed, do you want to come forward and talk about the status as you did this past tuesday?

>> Sure.

Based on council resolution staff has started down the path of doing a contract insourcing review.

We started off I believe in the neighborhood of 1800 contracts.

This was obviously a bit overwhelming.

So we had some discussion and we provided a memorandum to the city council narrowing it down both in time frame and scope to 54 contracts that are currently under analysis, things that would be good canned dots for insourcing for things like tree trimming to custodial services.

Things of an ongoing nature.

We didn't want to look at things that were very seasonal where we maybe only needed the employees for a few months and had work for them to do for the rest of the year.

Weaseled it down -- we scaled it down a lot and so contracts that are set to be expired or set to be renewed by the end of the calendar is what we're looking at.

And we've committed to council they would get that report back to you by OCTOBER 1st.

And I think I just mentioned that it is -- it's turning out to be a tremendous amount of work and we're looking into some of these contracts and looking at the scope of work being provided, in some cases the scopes of work are 20, 30, 40, in one case even 400 pages of the scope of work that we have to go through and figure out what would it take staffwise to do this same scope of work that's being done by these outside contractors.

So we are doing that work for those 54 contracts.

[One moment, please, for change in captioners] that would provide some general rules, conditions under which the -- it is appropriate for the city to outsource as opposed to bring employees in-house.

In making a decision about which way we go with those contracts, we're going to have to apply some kind of

rule or guidelines in order to make that decision.

I fully agree with councilmember tovo that if we're talking about -- about positions that address a permanent year-round need, and -- same councilmember martinez said, there are -- [indiscernible], we just had a request about security guards at water utilities and there were some fairly persuasive cases with respect to those security guards for a number of reasons.

It does make more sense to outsource security guards.

Seems like we would want some coherent set of rules to guide that decision.

That's what we would be applying in the course of that holistic effort is byron, is that your sense of -- of what's at work there?

>> The city manager is -- work association, we are hoping to come forward with date that that you will be able to review and we'll be provided direction.

>> Riley: Given that we will have that holistic discussion with respect to that whole report in october, then would it be possible to extend -- to

extend contracts with respect to these employees on a short-term basis so that we -- so that we can decide -- decide, make that decision with respect to these positions at the same time that we're making decisions about all of those other contracts?

>> We have contracts in place that will cover on through sufficient time so that you could -- you could decide to not take an action on this item today and still have plenty of coverage for -- for the existing work to be able to -- [indiscernible] definitely an opportunity.

>> Riley: Okay.

Would there be, we are talking about the -- about the [indiscernible] operating budget.

If we make that -- if we're making those decisions in october, well beyond the current fiscal year, i suppose that we should be talking, having a similar discussion about the next year's budget.

>> [Indiscernible] talk about the '13 budget.

>> Riley: Right.

>> What we were doing in this resolution before

council was adding the 28 positions that would be needed, the audioal positions would be needed to do the -- do the work.

Austin energy is already included in their budget.

The cost of doing this.

And they would be reimbursing building services for the work, so short answer is that the dollars are already in the proposed budget.

That -- that is before council, just the positions aren't.

So at some point in time we would have to come back and seek council approval to get these positions added that would then be reimbursed by the dollars that are in austin energy's budget.

If council decides to go to stay with the contractual services, then the dollars are [indiscernible] in the budget to do the contractual services.

>> One more question for you.

Do we have an austin energy staffer here.

I guess the question is at this point is there -- when we had this decision to make

with respect to the -- with respect to the security guards for water facilities, there was a fairly persuasive case that there are reasons why it makes to outsource that particular function.

Because of the -- because of the job requirements of security services, you need a large workforce, you need to be able to execute people in and the water utility -- to substitute people in and the water utility didn't have the skills necessary to supervise that whole work source, in a number of ways it made sense to do more outsourcing.

The electric utility does it feel like it has [indiscernible] or on the other handled is this something that has long been a regular part of what the utility -- what the electric utility does and y'all could easily bring these positions in house?

Just trying to figure out is this clearly on one side or the other, one side of the line or the other or should be really -- because this is so close to [indiscernible] we should put this off until we are having the whole discussion in a few months.

>> Carey overton with austin energy.

As it relates to the discussion that you had with security guards and as well as the janitorial services, there are some characteristics that for us we have a combined workforce.

It's very clear that we have es that perform those duties and those tasks, based on their expertise.

These are areas that -- that in our analysis -- that the contract services would be much better provision in the terms of services that are managed with a very routine, very specific skill.

With the mobility of replacement of someone not being at work, we don't have as a need to back that individual up, we will rely on the contracting services in these particular areas.

The contractor just simply continues to provide that service on a day-to-day basis.

In the analysis, I think that's part of what's coming out in the october report, there's some reasons that would support either side of the argument.

Austin energy's original proposal was to continue to

move forward and extend the contracts.

>> The -- for outsourcing?

>> Yes, sir.

>> Okay.

Well, mayor, I would -- i think this is an important discussion to have.

I fully -- I fully agree with the comments made by -- by councilmember martinez and tovo and morrison that there are quality of life issues at stake with respect to -- to employees being able to meet basic needs.

But I also recognize that this is -- this is an issue that goes beyond just this one set of contracts.

I think that we need to have a -- have a -- a discussion about this with respect to all of the contracts.

We expect that we will be having that discussion in october.

And I think that it's going to require us setting some clear guidelines as to when you do or don't outsource.

At this point I haven't heard a compelling case that this contract -- that these positions fall clearly on

one side of the line or the other.

They are somewhere, it sounds like it really could go either way.

So at this point, I'm -- I'm going to side with the mayor and the mayor pro tem that -- and -- and I don't think we're ready to make this judgment with respect to these particular contracts.

I'm open to revisiting it when we address all of the other contracts in october.

So that we can have one clear coherent set of rules.

I would just note that we are talking about very long-term implications for the entire city budget and the decisions we make that have a fiscal impact have affordability implications, not just for the employees involved, but for all austin taxpayers, as tax burdens continue to rise, affordability is a continuing concern for taxpayers, we need to keep in mind with every decision we make that -- that there are real -- real implications for people paying the taxes, as well as the people who are actually performing these services.

And we -- I would just suggest that those -- that we need to proceed carefully, make thoughtful decisions, with respect to the whole workforce, we expect that we will be having that conversation in October, so in the meantime, I will not be supporting this -- this budget amendment.

>> Mayor Leffingwell:
Mayor pro tem.

>> Cole: I would like to say I fully support what councilmember Riley said, agree that these are long-term budgetary decisions, this is not just a part of a debate that we are having on the council.

We all support social services and certainly providing jobs to minorities.

But at the same time, we have to think about the overall fiscal impact for all of our taxpayers and because this is occurring on the national level, I think that as part of your analysis I would like to ask staff to -- to look at not just benefits versus how we could use it outsourcing, but also the implications for -- for -- for -- the long term implications over time, if these employees

also become civil service employees.

I think that's only fair since we're putting that -- that out there as far as -- as far as financial implications.

And that we also look at all of the other contracts that we have and that we think about it in terms of what truly does make sense to outsource because I'm certainly not saying we should not -- we should outsource the police department or outsource the fire department, those are just really not on the table.

But if we have a number of contracts that we are outsourcing, that would make more sense to bring in-house, we should do that and if there are contracts that we are considering keeping in house that financially should be outsourced we should consider that and those policy issues should be brought before council.

Thank you, mayor.

>> Mayor Leffingwell:
Councilmember morrison?

>> Thank you.

I do want to follow up on councilmember riley's

comments because I do think that -- that we have had some really good examples and careful analysis and explanations by our staff, particularly the water department, the water utility, as well as the parks department have done a really good job of explaining when they are doing contracts of why it makes sense.

To do them on contracts and not full-time employees.

I think the simplest to understand, for instance, is the parks department that has maintenance efforts that need to be done and tasks in the summer or spring and not in the wintertime.

So obviously those are places we want to be able to contract and so there is a bright -- there is a line and it's -- it's -- I'm -- i think that it's terrific that we are doing the -- we passed that resolution to actually do the analysis and have a thoughtful conversation.

But for me, this is one of those items that is not anywhere near the line.

Last -- when we discussed this before, when it came up in terms of are we going to do a contract or not and it was postponed and staff did

a really nice analysis for us, it was very clear, the difference was if we did it in-house, it would be employees that have benefits.

If we contract it, it will be contracted employees that don't have benefits.

So to me this is nowhere near the line and it makes sense to move forward.

In -- still, in the context of having the broader conversation and I look forw
conversation.

>> Mayor Leffingwell: I'm not going to support the motion because I think councilmember riley outlined it pretty well.

We do have a process ongoing, it's not going to be a hardship, there's no hurry to make this decision.

We can be more fully informed after the -- after the report comes back and -- and regardless of how this turns out, I would like to ask when you do that analysis, a lot of this seems to hang up on -- on health care.

The health care aspect is changing.

We do have a phased in approved national health care plan and I would like -- I would like for your analysis to -- to include how that's going to impact outsourcing in this situation.

[Indiscernible] I don't know what the time table is.

We don't keep up with that.

We are so fortunate hear to not have to worry about that kind of thing, but I know that it's going to have a big impact on the private sector.

Councilmember tovo.

>> I have an additional question.

In the budget that is before us that we have been discussing for the next fiscal year, how have you handled this issue?

Does the budget that we're reviewing right now include these positions?

>> It does not include these positions.

It does include the dollars that would be needed to fund the positions, but until council authorizes the positions they can't be -- they condition be filled, of course, and so the dollars

are -- in the '13 budget and it's just a matter of do those dollars get allocated to positions [indiscernible] or continue to get allocated to contracts.

[Sound is very low]
13 budget for these positions at -- assuming that they would be full-time positions rather than contract.

>> We do.

>> Tovo: Okay.

Thanks.

I just wanted to be clear on that.

Can you remind me what would be the budget implication?

I guess we can handle that afterward.

But thank you.

I just want to point out that I think, you know, if we start down the path of -- of calculating what a civil service amendment -- I mean what -- what that charter amendment does for these positions, we certainly would have to do that for all of the other positions that are being contemplated as being added in the fiscal year '13 budget.

So I -- so I would suggest that that might be a lot to ask of staff.

We are adding -- I mean, we are reviewing a budget that's contemplated in various different departments.

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I think councilmember tovo brings up an excellent point.

We are not sure how that civil servant ballot item is going to go.

So why don't we wait to actually do that type of analysis after the november election and see what implications it may have on this analysis.

>> Mayor Leffingwell: I would just say we have a motion on the table and second and -- just to make sure that everybody is aware of this, the motion -- it will require four votes to pass the motion.

Otherwise the item would be denied.

Councilmember morrison?

>> Morrison: I do want to mention that I guess it was

last week, we had a fiscal analysis and memo from the city manager about the impacts of that charter amendment.

And I don't know if it would need to be updated, thinking about -- thinking about an additional number of 's in our next budget, but I don't know if you want to comment on that, city manager?

It seemed to me that it might be a negligible if we're talking --

>> Mayor Leffingwell: City manager.

>> It probably would be negligible.

We would have to certainly do the math.

I think the analysis was based upon the workforce as it currently exists.

>> Morrison: Right.

If the workforce went from 12,000 or I guess it's fewer, because it's only -- it's only the currently non-civil service folks.

>> Right.

>> Morrison: If we were to add 100 to that, I guess the question needs to be asked, is that going to make --

have a significant impact on the dollar numbers that came out in your memo?

>> Well, it will have some impact, you know, it's -- it's -- it's hard to anticipate particularly given the discussion hiring people as opposed to contracting out is a variable, because I don't know how far that's going to go.

As I said before, the analysis was based on the existing workforce.

We do have some additional positions that are proposed in the budget as you know, but again that's a variable because you have it -- you haven't approved the budget yet.

But, you know, once some decisions are made in that regard, that will be able to revise our figures.

>> Morrison: I think that would be helpful since the question has been raised, i think we need to be able to answer it.

If it wouldn't be too troublesome just to get an update -- wait, we're going to be looking at the budget september 10, 11 or 12, that should be plenty of time.

Thank you.

>> Mayor Leffingwell: I just have a quick comment to make and then I will recognize councilmember martinez.

There's a new report that just came out by the state comptroller, I haven't had time to read it fully yet.

You about the topic of -- but the topic of discussion is how local government expenditures are exploding.

Not just around the country, but especially here in texas.

Due to whatever reason, it could be -- it could be because state and federal governments are cutting their budgets and these things are kind of deinvolving down and -- we are sort at the bottom of the trough here.

But I think that we have to be really careful about considering, counting our pennies going forward, because this is a trend that's falling upon us and if we're not careful, we could find ourselves in fiscal trouble.

Councilmember martinez?

>> Martinez: Thanks, mayor.

A couple of comments were in regards to -- to health care coverage for some of these employees.

What I would want to just add is as we look into that, I hope that we reach out to -- to other folks in the community like central health to help us get a better understanding of -- of what impact we have on local taxpayers if we do contract out services and don't provide health care benefits.

Because there truly is a financial impact because those folks are going to seek health care through central health or through -- you know, showing up at the er and not being able to pay for it.

So I want to keep that in mind and make that a part of the comprehensive look that we're going to take on any policy that we put in place as it outsourcing.

>> City manager.

>> We're happy to look at that.

I guess the only cost estimate that I would offer based on the conversation that I'm hearing is that the scope of this project was significant to begin with

and it has, you know, the things that have been added in the course of this conversation have added to that substantially.

So I'm a little bit concerned about being able to respond sufficiently within the time frame that you all have been talking about.

We'll do our best, but I just wanted to point that out.

>> You know, again, I -- you know, that it's a worthy policy discussion as the council to have.

As your city manager, though, I remain concerned.

An overarching context of what the costs associated with what we're talking about here.

I don't have to tell you what, you know, we've been through, through the past four and a half years, you know.

And, you know, the -- this pushes up against the kinds of, you know, strategies that we've applied financially to get through the past four years.

And in fact if you look across the country, other municipalities, some of

which from time to time I've cited, those in extreme dire situations filing bankruptcy and the like, but generally speaking the trends across the country in terms of municipalities is the antithesis of what's being talked about here today.

In response to the economy and physical stress and strain that it's placed on municipalities are tending in the other direction.

It is notable, you know, the underverting reasons behind the desire to assist or employee people who are unemployed.

Again I am, as your city manager, also I have to be mindful of the fiscal implications of doing that.

So as we go forward, it's going to be really important that we strike a proper balance and that we are, as all point out so many times, mindful of the relative tax burden, financial burden, that we put on taxpayers.

One of the things that you have talked a lot about is affordability.

Ultimately, this can go straight to that issue.

We just need to be mindful of that as well, as I trust you are.

>> Mayor Leffingwell:
Motion on the table to
approve item 3.

All in favor say aye.

>> Aye.

>> Opposed say no.

>> No.

No.

>> Mayor Leffingwell: That
fails on a vote of 3 to 3
with councilmember riley,
myself and mayor pro tem
cole voting no.

So -- so we'll go now to
item 21.

Pulled by councilmember
martinez.

When when do you want to do
it?

We've already called up 21
now.

>> Martinez: Thanks,
mayor.

>> Mayor Leffingwell:
Councilmember martinez.

>> Martinez: I had some
questions, rosy, on this
item.

We have an item that's
coming before us that is --
I don't know the exact
number, but it's a six

figure number to contract with the university of texas for training services within the small business development program.

Is that correct?

>> Today.

>> Martinez: Not today.

But it's pending.

>> It's pending.

It's a multi-year contract, interlocal agreement.

>> Martinez: So this item specifically, just reading through the backup and looking into it after some concerns were raised to our office, is for additional space for training, is that part of it?

>> Yes, sir.

We -- council approved a year ago the entrepreneur center that has a large training room and also conference room and that's where we conduct our training classes, our education classes.

We also use that facility as the location where we're closing the loans and other related events and programs connected to the family business loan program that council also approved.

And this additional space has become available to us, when we lease the space -- when we leased the space originally, the property owner told us it would probably become available in the next 18 to 24 months, it became available to us sooner than later.

It's a small square footage, I think less than 600 square foot and we will be able to facilitate smaller groups, sessions, in there.

I do want to say to council and let you know that since you approved the lease originally, we opened the center on may 1, started doing programming there.

In the last 15 weeks, we've had over 700 participants in our events at that facility.

The small training room will accommodate small groups, small group work.

We're getting ready to launch, also later on this year, a -- a facilitated sessions by the -- that we're going to get trained on on the [indiscernible] foundation again connected to the family business loan program, making our local entrepreneurs stronger entrepreneurs.

>> So -- so if I'm understanding what you are

saying is that you can utilize a smaller room, to -- to accommodate smaller groups.

>> Correct, yes, sir.

>> Martinez: But it doesn't preclude you from using the larger room, not a larger room, the one that's there right.

>> You can.

If there's such a high usage for the larger room, then looking for space for a small -- for smaller groups is you just a more efficient use of space.

>> What is that usage since may 1, you said 700 participants, but what's the usage, all in one day or --

>> oh, no, sir.

We've had I think over 40 event and classes in that 15-week period.

We about over 732 participants at those events.

>> Martinez: Those classes, do they run all day long?

>> Some classes are all day.

Sometimes they're half day sessions and we repeat it.

You know, you were mentioning texas health plan, you know, we've got two sessions I think coming up in october with them.

We do work regularly with them.

So they use our facilities to get information about -- about health insurance and how -- you know, how we can help them there.

We have extensive use by sba.

They come at least quarterly, I think, is what the schedule is and they do several, you know, sessions on one day, use it all one day and maybe talking about three or four different sba programs.

We offer classes in the morning, we will offer a class in the afternoon, and then we will repeat it maybe in the evening.

>> Martinez: So is this -- is this request for additional space based on demand or is it just based on wanting to provide more if the opportunity arises?

>> Well, you know, I guess we don't have an established demand right now because we don't have it.

But I mean, you know, the room but I know that it will be utilized.

No doubt about it.

>> Martinez: I'm sure.

And we could use more space here at city hall.

It will get utilized if we find it.

But my understanding is of the 80 sessions, 40 of them are an hour and a half each.

So I don't understand how this room, if you've -- if over the last 80 days, you've had 40 sessions that were only one and a half hours, seems like the room is underutilized.

>> No, I don't know where the hour and a half.

classes at a minimum are three hours long.

You know, I was involved, you know, with some sessions recently there that were about two hours long, so I don't know where the hour and a half.

Vicki Valdez is our small business administrator in the audience, she might be able to attest to specifically the length of the classes, but normally

the classes are three hours long.

A couple of our classes are actually eight hours.

We have moved all of our quickbooks classes there, those are full eight-hour classes the quickbooks classes there.

>> Martinez: So is this request is it kind of -- not kind of.

Is it in conjunction with the potential can are the that we will agree to with ?

>> It doesn't have really a direct connection to it.

You know, the smaller group, the smaller work group, we will be using it, we know for a fact.

When we start teaching the kaufman foundation classes.

You know, I doubt that the classes are usually larger, you know, that's why we want for a larger training room because we wanted to teach and reach more people.

The larger training room accommodates I think 42, 47 people.

So it really it's not a direct connection.

>> Martinez: So if we don't authorize the u.t.

Contract, wouldn't the -- wouldn't the larger training room have less of a demand?

>> If council deems not to approve the u.t. -- the u.t.

Interlocal, we probably will be looking for other ways to deliver that same training through other kinds of services, either through pro bono or through, you know, smaller contracts or frankly maybe even staff doing the training.

>> Martinez: That is the whole reason why I pulled this item and why these concerns were brought to me is because, as you know, you are well aware, many other groups are feeling like they have not been given the opportunity to provide the training that we are and when they see this item on the agenda, it just further incenses them that, you know, staff is moving forward as if the u.t.

Contract is already approved and asking for more space, with the anticipation that we'll vote for this.

At a later date.

And I just -- I want to get beyond the record and I want

you to be on the record that that is not the case, not the intention.

>> That is correct.

And that is not our intention.

>> Martinez: Okay.

Thank you.

>> Uh-huh.

>> Thank you, rosy.

Councilmember martinez, do you want to entertain a motion?

Move approval.

Councilmember morrison seconds.

All those if favor say aye.

>> Aye.

>> Councilmember tovo, did you have -- all those in favor say aye.

>> Aye.

>> Cole: That passes on a vote of 4 with councilmember spelman and mayor leffingwell off the dais.

The next item I believe we have is from councilmember morrison pulled --

>> Tovo: Mayor.

>> Cole: I'm sorry,
councilmember.

>> Tovo: Mayor or mayor
pro tem, I would like to
move reconsideration of
number 68, please.

>> Mayor Leffingwell:
Councilmember tovo moves to
reconsider item 68 and i
believe you voted for it
since it was on the consent
agenda.

Is there a second?

Councilmember morrison.

>> Tovo: Colleagues, i
apologize, there was -- i
had some confusion with
regard to the yellow sheet
of paper that is on
dais.

This offered a small
amendment to the resolution
and it -- it apparently what
we passed this morning does
not include this small
amendment.

And so I'll read it for your
consideration, this would
add an amendment to explore
whether any operations
currently under the
responsibility of the city
could be affordably
provided with public/private
partnerships with local
funeral homes.

This was a point raised by community members that contacted our office.

There are state regulations that heavily govern this area.

All that we're asking staff to do as they begin this exploration is to consider whether any of the responsibilities could further involve private funeral homes.

So apologies that this didn't get handled before we passed the consent agenda.

But I would ask that -- i would make a motion to approve item 68, with this amendment --

>> Mayor Leffingwell:
First we've got to vote on the reconsideration.

>> I forgot we hadn't done that.

>> Mayor Leffingwell: All in favor of the motion to 68 say aye.

>> Aye.

>> Opposed say no.

Passes 6-0.

Councilmember spelman off the dais.

Now you can make your motion.

>> Tovo: I would like to move approval of item 68 with the amendment that i just read on the yellow sheet on the dais included.

>> Mayor Leffingwell: Motion by councilmember tovo, seconded by councilmember morrison.

Further discussion?

All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no?

Passes on a vote of 6-0, councilmember spelman off the dais.

We will call up item no. 32.

Whicieve was pulled by councilmember morrison.

>> Morrison: Thank you, mayor, I wonder if we could have our purchasing officer come up.

This is an item to enter into a cooperative purchasing agreement with the austin independent school district.

And welcome, byron again, back.

I wonder if you could give us a little explanation about what this really brings to the table for the school district.

>> Byron Johnson, purchasing officer.

Yes, this item is to allow aid to use our contracts.

As part of the program that the city manager asked us to do for best managed.

We have taken the lead in going to other agencies and asking if they would like to use any of our contracts, use the fact that we have in some cases some bigger quantities than they have.

And they will be able to participate.

This is different than the other cooperatives in the fact that we do not charge, there is not an impact fee for them to use the contract and there's no impact fee for the vendor.

So it is cost neutral for both of those.

Our cost to implement it from internal costs was staff cost only.

It's been a very good program.

We have -- we started out with a small one with cedar park.

We then have travis county.

And travis county has access to our contracts and so aid to do this and so they looked at things, so, for instance, they have security guards, they could use our uniform contract and be able to get our price break for the big quantities that we use.

>> Morrison: That's terrific.

It's really sort of an outgrowth of the discussion.

Actually, we mentioned on tuesday, also, of -- of working for ways to help out with aid and hard times that they had and we had -- we approved item 52, which is another item brought forward by staff to -- to share some of our franchise fees that we were allowed to share.

So could you -- I ask this in -- in the q and a.

So we are sharing sort of our buying power with other folks and also other government agencies or entities.

Could you talk about which other local entities we're

thinking about doing this with?

>> Yes, I can.

Council, we are looking and are working on a possible fuel agreement.

We have hays county, williamson county, we are looking at cities such as burnet, bee caves, and any of the smaller cities around for participating on that has actually looked at a possibility of joining us in this.

So we are reaching out to them through our government purchasing group.

We think it's part of the city's role as being a co-partner in this.

>> Morrison: I appreciate that.

I guess that I just want to ask also for you to consider reaching out to all of the 's that they are -- i forget is it seven that are actually in our boundaries, at least all of them and others as you see fit.

Is that something that you might do?

>> We can do that when our -- our legal department has worked really well with their legal departments, i

will give them credit for helping us.

>> Morrison: Trick.

Thank you, I he -- terrific, I appreciate the staff's initiative on working on this.

I move to approve.

>> Mayor Leffingwell:
Seconded by councilmember tovo.

Discussion?

All in favor say aye.

>> Passes 6-0 with councilmember spelman off the dais.

35, i pulled it off the agenda because it has two speakers.

We'll go directly to those.

Laura presley.

Is lori bartlett here?

You have up to six minutes.

>> Councilmembers, mayor pro tem and mayor leffingwell.

laura presley, I'm a business owner here in austin and allendale resident.

I have been in austin 23 years.

I want to talk a little bit
approximate about this item
no. 35 for austin energy.

And I really appreciate the
discussions that you had
earlier with regard to the
cost of running the city of
austin and with how the
impacts are -- how that
impacts our taxpayers.

This item is a little bit
over and above and I want to
go through some items here.

We want \$400,000 to assist
staff in the implementation
of the software programs for
austin energy to implement
their new rate structure.

This is over \$100,000 a
week.

That's a lot of money for
four weeks.

Because it has to be
implemented by octob
1st.

It's \$100,000 a week.

Are we artificially in a
crisis mode where we have to
spend this much money?

How many hours is this going
to take for engineers to
come in and rewrite the
software, so we can have
these rate structures in
place and bill citizens of
austin.

\$100,000 A week.

That's a lot of money.

Can we change the implementation date from 10/1 to allow more time and save our taxpayers these dollars.

I know several software engineers who could do this FOR ABOUT 1/10th OF THE Cost.

This is simple to do.

Semiconductor companies in town do this all of the time.

I know that you are laughing manager ott, but it is true.

These are very simple actions with oracle and the software.

This work is very standard, like I said.

If you look at this, if you have to have this implemented on octob 1st, THERE'S ABOUT 200 Work hours until 10/1.

Okay?

That's about \$200,000 an hour.

It doesn't make sense.

This is a huge amount of money.

\$100,000 A week for the next four weeks.

Are we the best managed city if we have to have this emergency almost half million dollars to implement this system?

I think something is wrong.

So I would like you to really look at this and see if there's another solution, which is to extend the time, and not require \$100,000 a week that we have to bring in to do this.

Thank you.

>> Mayor Leffingwell: City manager would like to respond?

>> Not so much to the issue you raised, but to your comment about my laughing.

I want to assure you, presley, that I have a great deal of respect for you.

I've seen you here before and I would not presume to -- to make fun or laugh at your comments.

If you got that impression, I apologize.

>> Thank you.

I would like you to address --

>> Mayor Leffingwell: No,
it wasn't a question.

But I would just like to
also say that it's really my
fault because I made him
laugh.

I said maybe I should vote
against this, my electric
bill is getting ready to go
UP OCTOBER 10th.

Thank you.

-- OCTOBER 1st.

[Laughter]
I will entertain a motion on
item 35.

Mayor pro tem moves
approval.

Seconded by councilmember
morrison.

All in favor say aye.

>> Aye.

>> Mayor Leffingwell:
Opposed say no?

Passes on a vote of 5-0 with
councilmember martinez and
councilmember spelman off
the dais.

We have one item
left, which is likely to be
a longer discussion.

So we will go ahead and go
to our citizens
communications and we will

make sure that if anyone is not here right now, that -- that where he go back and give them another opportunity.

First signed up is walter olenick, you are here.

We will give you time for that.

Wicce,.

>> Good afternoon, throughout our nearly four years of speaking here at city hall against the water fluoridation, one has been omitted the low income children.

Three receipt particularly the city does this for economically disadvantaged children five to seven years of age, the period when permanent teeth are coming in.

I thought of this recently when I happened to discover census bureau's website that over 20% of austinities live below the poverty line today.

Yeah.

Okay.

And that's -- that's 162,000 people.

This group doesn't have much of a political voice.

I can't bring your kids here.

But I can count them.

Again, from the census bureau's 2010 austin fact sheet -- next slide.

Yeah.

Within the age group in question, age five to 11, there are 11,800 boys and 8,600 -- almost 700 girls.

Making a total of 20,500 elementary school aged children.

The city's solution to their dental problems is to annually throw a half million dollars worth of hydro fluoro [indiscernible] acid into the water supply for them and anybody else to drink.

That discharges all of your obligation to them according to the cdc whose marching orders you follow.

Are these kids getting any real dental care?

We know 80% of dentists don't accept medicaid, we also know that you the city council have no idea, what, if anything, what the city spends on direct dental services for our needest children because you have admitted that.

Outside entities would seem
have taken over that
responsibility.

Next slide.

Okay.

david's foundation
dental program is one of
these.

They operate a fleet of
mobile dental offices that
rotate among aisd's 50 title
1 elementary schools
providing free dental care.

This includes fillings,
xrays, root canals,
extractions and emergency
care plus preventive
measures like cleaning,
sealant it is and oral
hygiene education.

In school years nine and 10
they saw nearly 6,000
patients, most from
[indiscernible] schools and
2 million
in services.

80% Of the second graders at
david's personnel
screened that year has
identifiable oral problems.

Yet those children grew up
drinking fluoridated water.

It really doesn't work.

The city of austin spend a
half a million on

fluoridation and got
nothing.

Half a million would buy and
stock one of those dental
vans or support the
operation of one for a year.

>> Mayor Leffingwell:
Thank you, your time has
expired.

Next speaker is joe zamecki.

Joe zamecki has no specified
topic.

And you know what that means
when you don't have a reason
that you are asked for a
topic is that you don't have
a topic, we can't discuss it
with you.

But you can go ahead and
talk to us.

>> Right.

I mentioned that I had
something to speak about
that was not on today's
agenda.

My name is joe zamecki,
thank you very much for
allowing citizens to have
this time to speak.

What I wanted to speak to
you today about was the city
seal of austin.

You may have heard in the
news recently the travis
county seal had some issue

about a cross and there's a
cross on the city seal in
austin, of course.

This is all over town.

And I just wanted to let
y'all know in case you
didn't know some austinites
don't prefer that to be
there.

You know how sometimes there
will be a case where someone
will say nobody complained
about it before.

And they may be right about
that.

But I wanted you to know and
remind you that some people
have complained about that
cross and there was actually
a lawsuit in the '90s and it
failed of course.

But just wanted to let you
for that there are some --
to know there are some
people in austin that don't
like that to be there
because we are not all
christians, no offense, I do
appreciate your time.

Have a great day.

>> Mayor Leffingwell:
Thank you.

Sylvia mendosa.

Sylvia mendoza.

Also has no topic.

Well, it was not posted.

It was just posted as city issues which is no topic.

>> City council, I have not had to come and speak in almost two years.

I'm here today because i feel this matter needs to be addressed.

I'm here on behalf and representing south austin traffic patrol.

So may I have your attention, please?

According to my research, this city has outgrown its usefulness for right turn on red lights.

First, it is presently treated as a driver who gets to the light first can turn without making a complete stop.

And before making sure that it is safe and without any consideration for the other driver who has a green light.

Secondly, most drivers rush through right on red, only watching for other vehicles and not for pedestrians.

Thirdly, some bus drivers have informed me that most drivers who turn right on

red cut them off
consistently.

They should know they are
always on the road.

Fourthly, red light right
turners, sometimes block
traffic and the green light
drivers cannot go on green.

I have polled and surveyed
the public and I have found
that the younger generation
has grown up with it.

So they get away with as
much as they can.

They can take the right turn
without slowing down or ever
coming to a complete stop.

I may step on the gas and --
they may step on the gas, be
really close, not thinking
that they got cut off and
you almost got hit and the
person that had the
right-of-way will have to
brake.

For these reasons I is it
the council of making the
process of making the city
of austin a no right on red
city.

If there was an ordinance in
the future public
transportation could be
exempt if agreed upon and of
course emergency vehicles.

One of the reasons right on
red was originally created

was for the purpose of fuel conservation.

It is now more important to preserve lives.

The percentage of pedestrians is rapidly increasing.

In conclusion, few people are being courteous anymore.

It is a constant headache with all of the beeping and road rage.

It is impeding traffic.

It is hazardous and dangerous.

It is out of control.

Thank you very much for your time and attention.

Any questions?

>> Mayor Leffingwell:
Thank you.

>> Kunda wicce.

Impact on health is your topic.

>> Good afternoon.

Mayor leffingwell and city council members, my name is kunda wicce.

I'm here to express my concern about austin's cole

fired power plant in fayette
county.

Coal fire power plant.

I am embarrassed that we
have rained mercury and soot
down on our members of the
community there.

The [indiscernible] former
pecan farmers, we listened
to the presentation of the
health impacts of our power
plant on their county.

I learned that research from
our own clean air task force
tells us that we cause in
fayette county an average of
three deaths a month.

We kill three people a month
there.

There's an average of four
to five heart attacks per
month and each day there are
two new cases of asthma
because of our coal fired
power plant there.

While I was listening to
that presentation, I became
acutely aware of the
pervasive smell in the air
and I was embarrassed
because I wanted to leave.

I didn't want to be
breathing the air that we
insist that we inflict on
these people.

That we impose on them.

I learned from the woman sitting next to me at the meeting she used to raise canaries and turkeys for sale and that within two years after the plant opened they quit reproducing and then died.

Imagine the impact on local wild birds in that county.

A former pecan farmer mentioned that he had been shopping at Home Depot and almost bought some fruit trees.

And then quietly he said, and then I remembered.

I'm sure you all know by now that pecan trees are the plant version of canaries when it comes to coal mines and apparently fruit trees don't fare well, either.

The numbers are.

It will cost us the same to continue to retro if it that plant as it will cost us to switch to clean renewable energy.

If we sell it, it will continue to kill.

People care about the health impacts of pollution and we people count on you people our representatives in government to take a bold step, take the bold step and commit to work with IERA to

decommission that coal fired
power plant.

It's time it went.

Thank you.

>> Mayor Leffingwell: Next
speaker is mona gonzalez.

Mona gonzalez.

Next speaker, susana
almanza, montopolis
community needs, city
council support on economic
development, safety
transportation and
neighborhood planning.

>> Good afternoon, mayor and
city council members, I'm
susana almanza president of
the montopolis neighborhood
contact team and the
montopolis neighborhood
associations, for those who
are not familiar, the
boundaries for the
montopolis area is grove
boulevard to the west and
north, ben white to the
south, 183 to the east.

And there's over 6,000
residents who live in that
area.

82% Hispanic, 10% black, 7%
white.

And 1% other.

1% of those
residents live below the
poverty area.

62% Do not have a high school education.

We are the only school district that is -- community in austin that is split into two in the school districts, aisd and del valle independent school.

Last year we had kevin johns and jessie mccormick come to our community to begin to look at certain areas where we could do economic development.

We are in a dire need for economic development and in that particular area and we ask that you ask staff to look more closely and look at other departments of how they can help the unemployed there, which is about 32%.

In that area.

So we really do need economic development for montopolis.

Also, we have submitted our neighborhood plan priorities, 10 priorities.

Only to have staff tell us that we cannot include certain priorities in our plan because they are not listed in the 2001 montopolis neighborhood plan, which if you look on the general subtitles, look at transportation and safety because a lot of those

issues are about
transportation and safety.

Every day we have residents
who are seeing a new cross
walk with the red lights
going up on riverside, east
seventh street, lamar,
different places.

Yet montopolis, which has
had numerous accidents on
montopolis drive and fairway
where children and families
have to cross to go to the
store, we do not have a
cross walk.

Where we do have a cross
walk, next to macc on
carnation, [indiscernible]
and montopolis it's just a
yellow light, which so many
traffic, people driving, do
not even adhere that light.

We need those new red lights
out in our community
immediately, so we need to
have the transportation
department out there
safeguarding this community
that has been neglected for
such a long time which has
been allowed to deteriorate
and continue to live in
poverty.

The other issue is that we
now have staff saying that
we have to hold a meeting
regarding the flum, the
future land use map, on
property at 7003 riverside
drive that has not even had
a zoning case initiated.

Why are we busy trying to change the flum on our neighborhood plan when a zoning case has not even been done for our property.

These are things that we constantly have staff either [buzzer sounding], you know, I feel -- trying on to overpower our plan, thank you so much.

>> Mayor Leffingwell:
Thank you, councilmember morrison has a question for you.

>> Morrison: First of all, congratulations on your appointment to the pard board.

>> Thank you.

>> Morrison: I do have a question for staff because it sounds like you brought up a couple of issues much one is can we address some of the traffic safety issues.

Even though maybe they're not in the neighborhood plan.

And then secondly, I guess that I am curious about how a flum change would be coming forward on its own.

guernsey here, i wonder if he could help us with answers to both of those.

>> Hi, greg guernsey,
planning and development
review department.

The first step in changing
any property before zoning
change would occur actually
is to do an amendment to the
future land use map.

So it's not something that
would be out of the ordinary
for someone to submit the
change for the future land
use map before the zoning
change.

It would save time and money
probably for the owner as
well if they are successful
with, you know, convincing
the neighborhood contact
team and moving forward
through that process, there
would be no need to actually
submit the zoning change.

>>

>> Morrison: But this is a
neighborhood plan amendment
being proposed by the
property owner?

>> I'm not sure of the
particular case that's being
brought forward.

The contact team has the
ability through their
process to bring amendments
to the neighborhood plan.

Such as you have today the
north loop neighborhood is

bringing three of the tools that they wish to add.

An individual property owner during certain times of the year can bring forward a request and also work with the contact team to bring a request that's out of order.

I mean out of that sequence forwards.

It's not uncommon I think for someone to consider a change to the future land use map without submitting a zoning change.

>> Morrison: Could you when you --

>> I can talk to Suzanna.

>> Morrison: If you could, also let me know what property this, was it a property owner initiated or neighborhood plan contact team or was it staff, so -- you can just get back to me on that.

>> I don't know if transportation is here.

We work with transportation in bringing those items that are in a neighborhood plan to their attention but if there's something that meets certain warrants that require a signal to be installed or some other traffic control to be installed, I think they have

acted on those things where something is something is not safe and warranted.

>> Morrison: Sounds like what the community is hearing is that it's somehow tied to the neighborhood plan.

Maybe we could ask you to circle back around on that, also, make sure that we don't have unnecessary barriers, thank you.

>> Mayor Leffingwell: Angelica noyola?

Sammt easterday.

Tom jones?

Topic is complaint against the legal department.

Sometimes known as the law department.

>> May I give the council some --

>> Mayor Leffingwell: Pass that to the mayor pro tem and she'll pass it down.

>> Go ahead, you have three minutes.

>> My name is tom jones, i come before the council today to respectfully request your help in resolving the important matter that affects all citizens of austin-travis

county we are involved in an out of control battle with your law department over a land use issue in the county needlessly costing the taxpayers hundreds of announce if not millions of dollars.

I have been a small business austin over 50 years and building homes in a subdivision since 1995.

There are thousands of homes in these old county divisions most platted back in the 1960s, austin 5 miles of paved county streets and the city provided electricity to all homes there and always considered them legal.

But your law department reneged on its promise of cooperation and declared this 300 lot subdivision illegal and refuses to provide electric meters stating that the city never approved a permit for the subdivision and never even new that it existed and they have lied under oath.

I have recently discovered new evidence that the city council did approve permits for this decision and it's a legal one as we've always claimed the other staff members also recommended against the legal department's capricious

actions to withhold electric meters.

The travis county appraisal district my spec home for sale there has a tax value of two dollars and my lots worth one dollar so the taxpayers are losing crucial funds there, also, your legal staff has brought years of needless litigation, refused to process my permit applications, refused to hear my appeals, red tagged my homes, took away my property and forced me under duress to build an uninquied water quality pond on a cliff on are residential lots with poor soil.

The city engineers agreed ..

Travis county waived any detention requirements.

The old faded pond later inevitably failed.

That's why there's a state law against retrofitting these old grandfathered project, your staff doesn't like that law, but nonetheless it is the law.

The city responded by filing criminal charges against me individually in municipal court which has no jurisdiction in the county.

The court docket has now over 2200 entries, I can no longer afford an attorney or anyone to appear on my behalf.

Our lovely neighborhood is in shambles over this atrocity and the city halted all construction and our hoa has had to deny lot openers permission to build new homes for lack of electric service.

All I'm guilty of is being a home builder and a man who stands up for his constitutional right and i paid a heavy price for speaking the truth.

Your staff has now imposed liability for the unrequired pond on our homeowners association who is going to have to file yet another needlessly experience lawsuit to settle this unless we come to a ration in a agreement.

I think incumbent for you to bring this travis vest community to an end.

It's not a legal issue, it's a political issue.

The city's official policy is that it's beset by this law.

It's not what you can get away with, it's about what's right and wrong, it's about

city's moral, legal
obligation to do the right
thing under the law.

I have a workable solution
to this whole issue that
will cost the city nothing.

>> Mayor Leffingwell: Your
time expired.

>> We all continue to lose.

>> Mayor Leffingwell: Your
time expired, I will be glad
for you to get together with
a representative of the law
department to -- to discuss
your issue.

Can we -- can we have
someone discuss this?

>> There's no one there that
will talk to me.

>> Mayor Leffingwell: We
will send someone out to
discuss it with you, all
right?

>> I appreciate it.

>> Mayor Leffingwell: Next
speaker is -- is brian
leonard speaking on the
parks.

>> Thank you for your final,
council, I'm brian leonard,
an austin homeowner, daily
swimmer at barton springs.

I am here to bring to your
awareness a very serious
issue at barton springs.

There's a dangerous fundamental design flaw of the bypass scheduled to begin in late october of this year.

If no action is taken by council to top this, the current plan will not only destroy the natural aesthetic of the pool, but also bring many injuries and possible future lawsuits against the city.

I don't think that you would consider a project a success if it generated injury for the citizens and liability for the city.

This is a very real concern and what is about to happen.

I'm certain some of you are aware of the bypass repair plan at barton springs, or you may not be aware of the dangerous, shrub and noon pool friendly surface that they are proposing to cover the sidewalk with.

What is happening is simple.

There is so much concern about the new decorative infill tile plan for the surface of the tunnel sidewalk that they have not correctly considered all of the safety implications of the materials needed to embed the tiles into the sidewalk.

Because of this agenda,
comments and safety
considerations are being
ignored.

Even now at deep eddy there
are many people slipping,
falling, getting hurt
because there was inaccurate
engineering estimates made
in that project.

I'm sure that you would have
to agree a very serious
mistake was made when it was
decided to pour a surface
near a poolside that becomes
very slippery when wet.

Major safety concerns were
overlooked in that project's
disaster and I'm here to
warn you that the same thing
is about to happen at barton
springs.

Please take action now to
protect the safety of
austin's citizens.

This very speech recorded in
city records serves as
notice to not take action
and ensure safety
considerations are top
priority in the proposed new
surface of the bypass tunnel
at barton springs would be
neglect.

I attended joint committee
meetings, none of the three
different tile toppings that
I saw exhibited were in any
way appropriate for a wet
environment.

Surprisingly committee members did very little to demand any accurate safety information, even though it was obvious that the surface tiles presented could introduce a dangerous element to the barton springs environment.

That meeting was allowed to proceed without proper concern for public safety and that is why I am here.

I am asking council to seriously into this matter and demand that safety be the highest priority when considering how to resurface the bypass tunnel or perhaps do as others have suggested is possible to repair the tunnel from the inside and leave the current sidewalk untouched.

There really is no reason to resurface the tunnel.

The pebble-like aggregate that is there now is perfectly safe and blend well with the natural environment.

I think it would be the wisest of all possible choices.

The situation provides a great opportunity for you to take action and prevent something very dangerous from being created at barton springs.

I know that preventive action now could give you a lot of peace of minds in the future.

>> Mayor Leffingwell:
Thank you.

Councilmember morrison?

>> Morrison: I wonder if we have any staff here that -- that I could ask some questions of.

I know that we have approved the contract and worked through some issues in terms of communities concerns.

As I recall we actually talked when we did approve it about the surface, resurfacing of the sidewalk and there was some working done, trying to figure out at that time what it was going to be.

Are there -- can you explain the safety standards that we use as -- I assume that safety is of course of concern.

>> Good after cora wright, assistant director for the parks department.

Councilmember morrison, what I would like to do because we did not anticipate the details of his concern today is to express that this is certainly something we want

to be able to look further into.

Affiliated with this project obviously are our concerns about optimum safety.

The department does have its own safety officer.

What we will do is lend our safety officer to the project team, have another look at it, summarize what our findings might be and get with the citizen today and make sure that we cover all of his concerns and then provide you a recommendation next steps.

But we would like the opportunity to take a closer look, if we can.

>> Morrison: Sounds perfect, thank you very much.

>> You're welcome.

>> Mayor Leffingwell: And I believe mona gonzalez is here now?

To talk about the -- the funding support for river city youth foundation dove springs.

>> Good afternoon, mayor, councilmembers.

This is a happy thing.

I'm here with our board members, supporters from the community at large, and the children and the families whom we serve.

Sometimes you just have to come out and just say thank you.

I went to the meeting just a couple of days ago, the public health and human services committee meeting, and was informed of good news.

That the desire and the intent of the public health and human services committee and of your group to continue the services of river city youth foundation and they were very, very busy, bert lumbreras I saw in the city manager's office trying to figure out how that's going to happen.

Although it's not all been worked out, it was good news to take back to a community that needed good news.

The next step, once you get the good news is to assess the blessing.

In dove springs we have many needs and that goes without saying.

But we're raising up the future leaders, we're raising up the bilingual tech force of tomorrow,

we're raising up young
people who are truly going
to be leaders in the future
and in so doing we have to
teach gratitude.

We are here today in
gratitude.

Not everything is done,
seldom is everything
completed, seldom is 100% of
everything you need funded.

But this is a victory for
our community because it
will continue the mentoring,
it will continue the
psychosocial groups that
take place that are so
important for families, it
will continue the year-round
tutoring and the support for
families, the summer camps,
the summer of safety that
takes place as one of the
only things that's going on
south of william cannon.

It will continue to serve
those who need these
services most.

So it is time to say thank
you.

And I do apologize that we
arrived a little bit late,
but I think our vans had a
little bit of trouble
finding parking because we
do have a full garage
downstairs.

I'm just happy to be here
with our wonderful
supporters.

They come from near and far.

We learned a long time ago
that in order to be
successful with our children
and families, we must invite
the fellowship as well as
the collaboration of
everyone who wants to be
around the table.

So you have here represented
tarrytown united methodist,
austin ridge bible church,
bannockburn baptist church,
groups from outside of the
community [buzzer sounding]
who desire to help.

So with the limited time, on
the count of three, we are
going to say thank you.

..

>> Thank you!

>> Gracias.

God bless each one of you.

>> Mayor Leffingwell: You
are very welcome, thanks for
coming down.

[Applause]

so -- without objection the
council will go into closed
session to take up the
following items pursuant to
071 of the
government code, the council

will consult with legal counsel regarding the following item, item 81, discuss legal issues related to open government matters, 071 of and 072 of the government code, the council will consider the following items, item 22 to discuss legal and real estate matters related to -- to rainy street.

Is there any objection to going into executive session?

Hearing none, we are in executive session.

Testing 1, 2, 3, 4.

Testing 1, 2, 3, 4.

>> We are out of closed session.

In closed session we took up and discussed legal issues related to item number 81 and real issues on real property matters related to item 22.

We will now take up our scheduled discussion and topical action on bond sales which is item 82 through 86.

We have several folks signed up.

We will have the public comment part will apply to 82-86, so if you are signed up to speak on any one of those items, you can speak on all of them and have

the public comment period it --
instead of have it separately.

Do you want to say something
before we begin that?

Go ahead and do the
presentation.

>> I am Dennis Wayly with public
financial management.

We are the financial add say
sore to the city.

We had find bond sales for year
to date, four of which are
public improvement bonds or
general obligation bonds.

If you will notice on the first
page that the par values on
these bonds is lower than you
might have noticed in the agenda
and that is because of the
premium that was paid on the
bonds so interest rates, they
pay the higher bond and yield it
down, you will have a premium,
you reduce the par amount and
have a premium, you get get that
number.

Page 2, public improvement
bonds, both taxable and tax
exempt for capital improvements
for voter authorized projects,
certificate of obligation for
capital projects and contractual
obligation for various equipment
and on page 3, we issue bonds
for Mueller project for TIF
supported bonds.

On page 4, the four city issues
were issued competitively.

An ders and kerrs was bond council and of course city council was rated triple a on all three.

Mueller bonds we issued negotiated.

Nicholas was the lead underwriter with lou capitol and mccall with bond council and they are rated double a plus and page 6, rating agency comments, extremely positive comments from the rating agency about the city of austin as they always have been.

Healthy general funds reserves, conservative management, strong and diverse economic base, moderate debt levels.

Out standing comments from the rating agency, you should be very proud that all three have been rated triple a.

Page 7 is market comment that you can look at when you have an opportunity, page 8 shows borrowing rate.

You will notice that borrowing rates are at historic lows.

So we g 9 which is the good part, you notice numerous bids for all of the bonds, borrowing costs.

I think these borrowing costs are lower than they ever have been hutchinson bought the bonds and then the [indiscernible] and

rw bear bought the taxable bonds at 294.

The reason they are lower than the tax exempt bonds is the amortization of the tax bonds are the longest.

Higherjafrey bought the certificates at 476 and morgan stanley bought the 7 year bonds 02 percent and page 11 has the maturity schedules and then the last page which is page 12 shows the maturity is schedule for the mueller bond and the tic on that 3 4% and with that I will be happy to answer any questions.

it seems like every time you make a presentation, the rates are lower than they ever have been before.

>> Yes, outstanding bonds, very good.

>> Mayor leffingwell:
Any questions?

Okay.

We will hear the public hearing.

Laura, lori bartlett.

Vera gibbons.

Three minutes.

>> Mayor and council, I am just here to [indiscernible] we are very concerned about the fact

that the center is not usable at this time and you have it scheduled for repair.

Here is hoping that when it is restored, it will be safe for the children and the residents in the area to use without in harm's way.

That's all I wanted to say.

>> Mayor leffingwell: okay.

That's all of the speakers we have signed up that are here.

So with that, and we will work our way through this and entertain a motion on item 82.

Mayor pro tem moves approval.

Second by council member martinez.

Discussion?

"

aye.

Opposed say no.

Passes on a vote of 6-0 with council member spelman off the dyas.

Item 82, I will entertain a motion.

Council member -- excuse me, 83.

Council member tovo moves approval.

Second by council member
morrison.

"

aye.

Opposed say no.

Passes on 6-0 with council
member spelman off the dyas and
84, council member morrison
moves approval.

I will second.

Discussion?

"

aye.

Opposed say no, passes 6-0,
council member spelman off the
dyas.

Eighty-five, council member
morrison moves approval.

Second by council member tovo.

"

aye.

Opposed said no.

That passes on a vote of 6-0,
with council member spelman off
the dyas.

Eighty-six.

Mayor pro tem moves approval.

Second by council member
martinez.

"

aye.

Opposed say no?

Passes on a vote of 6-0, council
member spelman off the dice.

That concludes our action on
bond sales for today and I think
there is still time to get to
market with that.

Thank you very much.

>> Mayor pro tem the next item,
is the viewer local government
corporation and also the bond
sale issue.

I am
going back -- we will get to
that.

Going back to the eminent domain
item, and those are items number
89 -- excuse me, 79 and 80.

As you know by now there is a
specific script that I will read
and entertain a motion, with
respect to 79 and 80 being
condemnation item, the motion
should be the city council
authorizes the use of power of
eminent domain to acquire the
property set forth and described
in the agenda for the current
meeting for the public use
described there in.

This vote will apply to all units of property, items 79 and 80 to be condemned.

I will entertain that motion.

Council member martinez so moves.

>> Second.

>> Second by mayor pro tem cole.

Is there any discussion?

"

aye.

Opposed say no?

Passes on a vote of 6-0, council member spelman off the dyas.

Now we will go to recess, this meeting of the austin city council and call to order a meeting of the mueller local government corporation, three items on the agenda to consider.

>> Sir, I am sorry.

I just have to clarify something.

Item 80 was pulled from the agenda earlier to really the motion in both have only been for item number 79, eminent domain item that we did.

too late now.

It already has been approved.

>> Okay.

But honestly, we didn't want to condemn item 80.

can i
make the simple statement that
item 80 has previously been
removed, so that motion only
applies to item 79.

>> Thank you for the
clarification, sir.

all
right.

Thank you.

The three agenda items for the
board.

I will call this meeting of the
board to order and three items
to consider.

Do you want to take us through
the agenda.

>> Greg canally.

>> There are consent item
approval for apventment of vice
president and others as well as
the bond sale for the contract
wayly
walked you through that he
walked you through so i
recommend approval.

>> The agenda for the mueller
local government corporation is
items 1, 2, 3.

Council member -- excuse me,
board member morrison moves
approval.

Is there a second?

Second by board member martinez.

Discussion.

"

aye.

Passes on a vote of 6-0 with
council member -- board member
spelman off the dyas.

So that concludes the agenda
items for august -- the
august 23rd, 2012 meeting for
the mueller local government
corporation.

Without objection, the mueller
local government corporation
adjourned and we call
back to order this meeting of
the austin city council.

We do have one item for this
morning item number 72.

Still we have to deal with item
number 22.

I entertain a motion on item
number 22 to post tone --
council member tovo.

>> Tovo: Yes, I would like to
move to postpone that item.

so
september -- september 27th,
correct?

Council member tovo moves to postpone until september 627, second by council member morrison.

-- September 27.

"

aye.

Posed say no.

That passes 6-0 with council member spelman off the dyas.

Now, item 72.

Item 72 was pulled by council member martinez.

>> Martinez: Thank you, mayor.

I just want to ask a few questions on this item, because I fully support the intent of the item but I don't think it's much different than what we voted on as a council a little while back.

We passed a resolution, 70 directing the city manager to create a special events office and they actually are all moving into that office this week.

It's all put together.

I wanted to ask if -- what's outlined in this resolution, that's asking staff to contemplate, if that is already what the special events office is planning on doing or is already doing.

And I don't know if we have anybody here from the special events office that can speak to that.

Rodney.

looks like we do.

>> Mayor and council, rodney gonzales the deputy director for the city's growth and reeconomic development services office.

I am not with the special events office but am assisting with this project.

Back in may of this year, as council member mentioned, the city council approved an amendment to create a special events team to act as one stop shop for special events within the city.

I was running downstairs and a little bit out of breath.

That team is to be comprised of representatives of various departments, that includes transportation, the department -- for the officer of special events, -- the office of special events, fire department, planning code of review, planning department, health and human services and the ego music office and the charge by council at that time is to notify staffing change to change the creation of the special events team and as council member mentioned, we are gearing up to

move into that space at one
texas center.

We are slightly delayed due to
electrical code issues but we
are moving within the next week
to two weeks.

>> Martinez: So rodney, do you
know what the special events
team is working on?

This is part of function of the
officer, to coordinate with
stakeholders on -- this was
anticipated because of the fl
request.

I am assuming where that came
from out of the conversation
last week.

Obviously it is more
comprehensive than that.

Not one of them.

Just asking to take a look at
multiple open space areas that
are used for events or all
around the city.

Getting the stakeholder
and pressing an event the reason
for doing that?

>> The reason for the charge --
you are absolutely right on
putting the special events team
together which is to have a more
proactive approach in regards to
reviewing special event permit
quests and we got a few of those
throughout the year and it is
challenging to review those
because the team members are

throughout this city and multiple offices and so having them under one umbrella, same roof, if you will, will facilitate that processing of the special events.

The special events team, undoubtedly look at any type of street closure, right away closure that is required.

When you get into the parks situation, such as auditorium shores, zilker park, fiesta gardens and then parks department getted involved and cory can speak to that.

There is overlap in that regards, so the special events team, their charge of course is to review permit quest for all special events types of activities but then when you throw in those parks activities as well, then that's where parks comes in so there is overlap with regard to that cross.

>> Martinez: Is there a part of a fte for that.

>> There are parts that are, because there are some functions that don't go through the special events process.

For example, I have been told as far as family pick licks and family reunions, those smaller type of special events wouldn't necessarily go to the special events team.

Those would be housed completely within parks and recreation.

>> Martinez: wright, would you like to comment on this?

>> I am with the parks department and I want to ditto gonzales shared with you.

From the parks standpoint when it comes to special events, we have a events manager that has a small staff and concerned about hosting large events, rentals for properties, et cetera, that occur on dedicated park land.

When those events are -- reach a scale that we consider large-scale events, those that are a thousand over and trigger the need for the help from other departments in terms of public safety, then that same self-events manager, jason moller who participates with the special events team, works collaboratively to ensure there is a smooth transition, in terms of setup for the event and then event management during the time that site is reserved.

The major difference is, obviously, the spirit of this resolution is to encourage the department to take a look at how we do special events that are hosted on park land, more specifically, those events that are hosted at auditorium shores and zilker.

The council may very well know we have an events policy that is very unique to the parks department.

It is a policy that originated over 14 years ago so under this resolution, it will give us an opportunity to look at how effective those policies and rules are with respect to events on park land, and then make certain recommendations, with the input from stakeholders and the neighborhood.

We think we have done a pretty good job in managing events in such a way that we consider the impact to surrounding neighborhoods but obviously the demand is growing and obviously we want to be in a town where we have a balance of music and special events but without compromise to neighborhood quality.

So we do see a relationship under mr. mower.

We interface with the large scale or the city-wide team who is concerned about events management throughout the city, how we can collaborate across departments, but for the most mower is concerned for the parks department about those events that originate and are hosted on park land.

>> Martinez: So does this resolution -- do the sponsors contemplate the special events office being one of those

stakeholders or involved in
crafting whatever
recommendations come back to
council?

who would
like to add?

Council member morrison.

>> Thank you, council member
martinez, because I appreciate
you bringing this issue up and i
would be certainly thinking that
they need to be a part of this
discussion and I would be very
happy to entertain a motion to
reference them specifically as
an amendment.

But absolutely, I mean --

>> MarAS LONG AS WE CAN
Agree, it easton the record,
that's fine.

>> Morrison: Absolutely.

>> The second question is what
you contemplate for a public
input process.

I know you have, it looks like
members of different boards and
commissions, but will this go
through a normal board and
commission process?

>> Morrison: I think that -- i
would like to leave it somewhat
up to staff to be able to
develop a workable process and
certainly with recommendations
coming out of that process, that
they would -- that the
recommendations, I would

envision, would go to the relevant commission once they are ready.

>> Absolutely.

Council member, it is our practice, once we have configured a recommendation for moving forward, we typically take those recommendations through the parks and recreation board, which is another layer of vetting it and giving the general public an opportunity to comment, but with respect to this resolution, we already anticipated the need to interface with members on the city-wide special events team, because we work with them every day, but, also, we are anticipating the involvement of the convention center, et cetera, so as we look at this, to the extent that we can really do a comprehensive job, we are -- we are planning.

>> Morrison: I appreciate that and I think the important thing to remember is I think it's really the events of last week that helped to start a conversation that said -- especially because there was a reference to it was actually removed but a reference to suggest that the city manager come up with a recommendation for more events, a number of additional events at auditorium shores and with respect to the fact that the existing limit that we have was a stakeholder process and we all evolved and

we all understand that they are going to be complex and there are more demands, that we really ought to have a broader conversation about that, so as opposed to -- I think the special events office is a very exciting opportunity to be coordinating a specific event that's going on and the knowledge of those staff will definitely help to inform this process.

And mayor, I would like to note that we do have a yellow copy on the dyas that there were a couple of stakeholders that we wanted to be able to include here that has come up, certainly, so it's under the second be it resolved, you will see some additional stakeholders, the palmer event center, park advocate, and then the next page, representatives from the original town lake park stakeholders group.

So --
looks
like we've got everybody in town there.

>> Morrison: And you are welcome to join them, mayor.

no
thanks.

>> Morrison: I move approval.

>> And, mayor, also --
council
member morrison moves approval.

Mayor pro tem.

>> Cole: Second.

second by
mayor pro tem.

>> Cole: I would like to make a
brief comment.

I am pleased to be a cosponsor
on this item and very familiar
with the events we had last
week, trying to figure out the
use of some of our most valuable
public resources.

The only thing I wanted to point
out that I don't think has been
said is that we are looking at
uses of these facilities and not
necessarily access to these
facilities -- not necessarily
access to these facilities and
that is an important distinction
to the stakeholders and for
everybody to understand because
or understand this.

And, again, thank you for the
work you are going to be doing.

Thank you.

council
member tovo.

>> Tovo: Yes, I echo the
sentiments that has been
expressed.

I am also pleased to be a
cosponsor on this item.

I think it's important.

We've got some great resources here in Austin, great natural resources and there always be a demand for their use and we've got -- they have played host to many interesting and exciting festivals and we need to craft a vision going forward that really balances the use of those things with traffic issues and quality of life issues for the nearby residents and I think this is very kin to the street closure task force in some ways that I believe the mayor sponsored many years ago where you got diverse stakeholders together, talking about, you know, some of the challenges and they were able to craft some very good recommendations looking forward that has, in some ways, I think led to the better coordination that we have seen with our special events division.

So thanks very much to the lead sponsor and to my colleague, mayor pro tem Cole for sponsoring it as well.

I think it is a very good move forward.

Council member Riley.

>> Riley: I am glad to support the resolution and I want to express appreciation.

[Indiscernible] there was one other thing I have that I wanted clarification on and that relates to one of the bullet points, the third bullet point

to the end says comprehensive parking studies to be addressed and I just wanted to get some clarification.

My understanding is that the -- is that this analysis would just take into account those studies that have already been done in this area and by this action -- our action today is not intended to authorize additional traffic studies.

>> Morrison: That's my intent.

>> Riley: Okay.

Thanks.

I will be glad to support the motion.

and i will just say with all of this horsepower and the mass of stakeholders that are involved with this, I am very confident that we will come up with a solution in short order that everyone will be happy with -- happy to vote for.

"

aye.

Opposed say no, passes on a vote of 6-0 with council member spelman off the dyas.

I think that brings us to our 2:00 o'clock zoning cases.

>> Thank you mayor and council,
I am greg guernsey, planning and
review department.

This is where the public hearing
is open and there is possible
action and these are the items
that I will offer for consent,
first number is 88
02 and it is to adopt
three, residential design tools
area wide and parking placement
and impervious structure for
single family and garage
placement and single family
front porch placements extending
for new single family
construction and existing single
it is recommended
to you by staff and the
commission for consent of
approval all three readings, and
then number 89c14-2012-0057, for
the north loop neighborhood
planning area to add design
tools, they were recommended to
you to grant for the adoption of
the design tools by the planning
commission and this is ready for
approval on all three readings.

The next one is 90,
c14-2012-0051, fell ter lane and
the staff is asking for
postponement and 91, is
c14-2011-0165 for the property
on 2108 east 51st street, this
is a combined interest
centurying and the plan is to
combine multi-family residence
low density neighborhood
planning or mf2-np combining
district zoning.

This is asked for approval on
all three of these.

If you have any questions, i
will be happy to answer them.

so excuse
me the consent agenda is to
close the public hearing and
approval items 88 and 89 on all
three readings and postpone 90
until september 27 and close the
public hearing and approve all
three readings item number 91.

Council member martinez moves
approval.

Second by pro tem cole.

"

aye.

Opposed say no?

Passes on a vote of 6- 0 with
council member spelman off the
dyas.

>> Thank you.

and i
believe city clerk, 72 and 86
are dis -- are disposed of, i
believe that brings us with all
items completed until
4:00 o'clock.

We are recessed until
4:00 o'clock.

Orpheus, sons of orpheus,.

>>>

>

>> I would like too reconvene this meeting of the austin city council.

We are on item no. 92.

Which involves a public hearing to consider an appeal.

Before we open this hearing, are there any requests for postponement or issues outstanding that anyone would like to raise?

Hearing none, we will have a brief report from city staff.

Mr. guernsey?

12450 Good evening, john McDONALD WITH THE Residential review section of planning and development review, the appellant richard and andrea stoveall are appealing the rdcc denial of a modification request to increase the 2% above the maximum allowable of 40%, granting the appeal would allow the applicant to have a floor to area ratio 2% or 5,335 square feet where the maximum far 6 square feet.

The appellant challenges that the residential design and compatible commission decision's to deny the increase the floor to area

ratio based on 10 reasons that are summarized.

It's separate structure and does not add any bulk to the existing house, the accessory building is not visible from the street therefore it does not impact the street scape, accessory building is only visible to two neighbors who submitted written letters in support, accessory building is situated far from my property lines and does not block light, air flow, nor views from any neighbors, accessory building has surrounding retaining walls that make it blend in visually.

The building is designed with the architectural style of the existing home and follows the same architectural style for neighborhood.

The accessory building does not include air and would not increase street parking.

The floor to area ratio would remain under the 5% increase.

I think that may be a typo.

50%.

The accessory building solves a unique need including people's safety whereas the need cannot be

solved with the existing footprint of the house and the bathroom being added as an accessory building would not set any precedent as subchapter f allows for granting modification to a project with reasonable need and with a reasonable harmonious design.

>> Thank you, mr.

McDONALD.

Do we have a presentation by the applicant?

Coming on down.

Please state your name.

>> My name is ellie
[indiscernible]
I'm here on behalf of
stovall of 1807
stanford lane and jeff
howard will follow me up and
have something to say as
well.

We have a packet of images.

For each of you.

So we are here to request a waiver to increase the allowable floor to area ratio in order to build a 132 square foot detached, unair conditioned accessory one story structure.

To serve as a poolside bathroom and storage area.

This proposed bathroom is important for the family's safety and their neighbor's safety.

And the structure has been designed in full compliance WITH the McMansion codes criteria for general modification waiver.

The slides on the screen will correspond to the pages in your packet.

Page 1 shows the front of the house.

And an aerial indicating in yellow the location and size of the proposed bathroom.

Is this how I forward?

Page 2 shows a recent image of the back yard.

Please note that we have proceeded to this point in construction after many consultations with residential reviewers and city inspectors, that -- that we would have believed that this bathroom is permissible because it's an accessory building under 200 square feet by code it doesn't require a permit.

Page 3, shows the route from the pool to the only existing downstairs bathroom.

The stovalls want to have a bathroom that would be within earshot and within sight of their pool for the safe of children.

Without this, each time a child needs to go to the bathroom, every child would need to get out of the pool so that the supervising parent could go inside with the child.

Even if a person were -- who is needing to go to the bathroom were old enough to go alone, the interior floor surface is in staircase on the way to the inside bathroom are slippery when wet.

401.2 Increase in far.

Page 4 shows an image of the proposed solution.

It's a small accessory structure built into the retaining walls.

And it would contain a sink, a toilet and a closet.

Page 5, shows why a pool accessible bathroom could not be integrated into the existing footprint of the house.

There is one area where -- wherein the house where a pool accessible bathroom could fit, shown here in blue.

But not without trenching through the critical root zone of a charitably oak tree and a heritage magnolia tree.

We have also brought a letter from an architect supporting that.

Page 6 shows in red the city approved sewer line.

From the proposed bathroom location.

We did meet with michael [indiscernible] the city arborist along with the stovall's arborist on site.

The only route that they approved runs along the north side of the house because it does not go through any critical root zone.

Please see pages 7 and 2 for more of the bathroom design and how it goes with the contour of the site.

This bathroom meets all of the stated approval criteria from subchapter f to qualify for a general modification waiver.

These are the same criteria that john mcdonald just listed.

That is a separate structure.

It won't add any bulk to the existing house.

It's not visible from the street.

It's visible to only two neighbors, both of whom have written letters of support.

It's situated far from property lines and doesn't block light or air flow or views.

It's built into the back retaining wall so it's subtle.

It's designed in the architectural style of the house and in harmony with the architectural styles of the neighborhood and many houses in the vicinity have accessory structures or are already over far.

It would not be air conditioned and would not have any impact on street parking.

The resulting far would remain under point 5.

It solves a unique need including people's safety and this need cannot be satisfied with the existing footprint of the house.

And this bathroom would not set a precedent as John McDONALD STATED, IT IS Following a precedent as a

subchapter f codes allows for granting a waiver to a project with a reasonable need and with a reasonable and harmonious design.

We respectfully ask that you grant the modification waiver for this bathroom.

Thank you.

>> Cole: Thank you, ms. ellie.

If there's any questions -- I would have called you by your last name, but i couldn't say it.

>> I couldn't say it at first, either [laughter]

>> Cole: Thank you, if there's not any questions, jeff howard in support of the appeal.

>> Thank you, mayor pro tem, good endanger auto, council, my name is jeff howard, I'm here on behalf of the owners.

richard stovall and his wife andrea.

They have three small children.

This is their home and they've put down roots here, bought the house after it was built.

They bought it in 2010.

The house as originally built in 2004 has .47 far.

It was not required to COMPLY WITH the McMansion ordinance at the time it was built and this proposed 132 square foot structure will 012 excuse me far.

To the building.

As -- as was stated, the McMANSION ORDINANCE Specifically allows modifications to the far.

This is something that current code allows and in fact staff directed the applicants here before the residential design commission.

There are a series of factors or criteria that are set forth in the code for granting a modification and this request complies with all of them.

Those criteria are compliance with neighborhood design guidelines, consistency with street scape, consistency with mass and scale and proximity of structures, impact on privacy of adjacent rear yards and topography and lot shape.

As those slides clearly demonstrated, the outdoor bathroom is not visible from the street scape.

It is one story so it does not impact privacy.

It's not air conditioned.

So it's not habitable.

It is located towards the rear of the property line but in the center of the property, so it doesn't have any impact on views or light or air of the adjacent properties.

It's built in the back, topo, so it's actually not visible from the rear property, the rear property has a -- has a privacy fence or wall that's much, much higher and screens this -- this building.

So for those reasons, it ets all of the criteria of the residential design commission.

Or excuse me of the McMANSION ORDINANCE FOR Granting a modification to far.

When it went before rdcc the vote was three votes in favor, two against, that's why we appealed.

We didn't have enough commissioners to get to the

four votes and so we had to appeal.

I want to quote briefly what burkehart said, the chairman, he said I'm of the opinion that the request in this case is extremely modest based on the scale of the property and neighborhood, it does not damage.

It's not contributing to anything of the things we are concerned about.

I strongly support granting the request in this case, later, when it was discussed what the intent of the McMANSION ORDINANCE WAS And some of the things that folks who worked so hard on that ordinance were concerned about, he went further and said if this were a request for additional mass in the house and the structure itself, i would say I agree with you, but this isn't.

This is 130 square foot single story, unconditioned out building, this is not the kind of thing that concerns the reason that we all came together, meaning the McMansion ordinance.

So if there are any other questions I would be happy to answer them, but we would respectfully request that you grant the appeal and

grant the moves as requested.

-- The modification as requested.

>> Cole: Thank you, mr.

Howard, any questions, councilmember martinez?

>> Martinez: Yeah, mayor pro tem I'm going to move approval of the appeal.

>> Cole: Councilmember martinez moves approval of the appeal.

And councilmember morrison seconds.

Is that to close the public hearing, also?

>> Martinez: Yes.

>> Cole: Councilmember morrison.

>> Morrison: I want to comment real briefly.

I know this council has been very careful about granting appeals and I appreciate that because union the McMANSION ORDINANCE IS There to deal with something burkehart mentioned was very clearly as an issue, I agree with mr.

Burkehart that this was modest, one of the things that I look for in

particular in granting an appeal or looking at a situation that I think is most important is are there mitigating factors, is this adding to the mass that we were trying to deal with.

And the fact that it's built into the back retaining wall and especially that it doesn't impact the privacy that was another issue that we're having, privacy being impacted with big looming buildings over people's back yards, I think this is a very good example of when we should allow a waiver.

I do have a question for staff.

IF I MAY, MR. McDONALD.

There -- the reason that I want to ask a question of staff is because I think that I heard that -- that the applicant when they first went to -- to look at building this, they were told that they don't need a permit because it's under 200 square feet.

But on the other hand, they did need a permit because of something else.

Is that -- so we -- we probably didn't get a good comprehensive look and a comprehensive answer to them in the first place.

Is that an accurate assessment of what went on?

>> Yes, they went to pull the plumbing trade permit from the permit center, they were told even though it's under 200 square foot and it's exempt from a building perm, when you have plumbing associated with a structure, the exemption no longer applies as far as from the size standpoint of being under 200 square feet.

>> Morrison: So when did they find out there was going to be an issue with the far?

>> When they came over to my section and filled out the application and had to put in all of the gross floor area numbers, we saw that the site was over on far.

>> Morrison: I see, okay.

Because it sounds like having a one stop shop we are hoping that people really can do sort of one stop and understand that -- what all of the requirements are.

Do you think that we've got that in place or was there some disconnect in this case?

>> I think we've got it under control.

I mean, it's understood, even though it is a smaller building that there are requirements that have to be met for -- for ceiling heights and bathrooms and such as that.

I think maybe, possibly, there is a situation where the person that tried to pull the plumbing trade permit may not have known and just went straight to pull a plumbing trade only without the building permit.

>> Morrison: Great, thank you, I am fully support iveof this appeal.

>> Cole: We have a motion on the floor and a second.

All those in favor say aye.

>> Aye.

>> That motion passes unanimously on a 5 vote with councilmember spelman and mayor pro tem -- I mean mayor leffingwell -- mayor pro tem included in the vote and mayor leffingwell off the dais.

Next we will conduct a public hearing and receive public comment on the -- 93, which is the proposed increase for the drainage fee of the watershed protection department.

Does staff have any presentation?

Can -- victoria, can you come up a second and answer some questions.

We do not have any speakers on this item.

Victoria, I simply wanted to ask what is the proposed amount of the increase?

>> The proposed amount is 60 cents per equivalent residential unit.

>> Cole: And when did we last have an increase in the drainage utility?

>> For year -- for last year, fiscal year '12 and fiscal year '11, we did not have any increase.

So it's two years ago.

>> Cole: Two years ago.

Okay, are there any questions, colleagues?

I'll entertain a motion to close the public hearing.

Councilmember morrison makes the motion to close the public hearing.

Councilmember martinez seconds that motion.

All those in favor say aye.

>> Aye.

>> That motion passes on a vote of 5-0, with mayor leffingwell and councilmember spelman off the dais.

Thank you.

>> Thank you.

>> Cole: Thank you, victoria.

Next we will conduct a public hearing to receive public comment on the proposed rate and fee changes for the water utility.

And we have two citizens signed up to speak.

Linda salaman, please come forward.

>> Good afternoon, my name is linda solomon, I live in west minster glen, which is a neighborhood whose water utility or delivery system was recently acquired by austin water.

And I've had extensive discussions with people at the water utility, including going to a community forum recently held out in our area as well as speaking to them live and actually someone from the water utility come to my house to

do an evaluation for conservation purposes.

The reason that I'm here is because although I think council with the best of intentions developed a rate scheme to support conservation, may have overlooked inadvertently people who live outside of the city who have different residential situations and i would just like to highlight that so for future consideration you can take that into account because in my discussions with the people at the water utility, both in finance and at public affairs and in the conservation area, all of them admitted that we were basically an oversight.

So we have been hit with the highest possible rate increase, close to 85%.

We had a young man from the city of austin water come out and everything he suggested that we do, we were already doing.

We've moved to drip irrigation, we have low-flow toilets, we are airators on water systems, we have turned off the auto fill on our pool, we've -- he was really great and did a very thorough job.

We water less than is suggested.

So instead of watering
weekly we water twice a
month.

Ful and we completely turned
off the water in our back
yard, which is now
completely dead.

And I also back up on a high
fire area, I back up to
balcones canyons land
preserve.

Within four miles of the
steiner ranch fires last
year.

So it is crispy in my back
yard.

What I'm asking you to
consider is for people who
live on large lots, but are
already doing everything and
more than is suggested by
the water utility, that
perhaps your rate structure
is punitive.

And instead of coming here
with no ideas, I'm trying to
come here with something --
we already conserve.

So what I'm trying to do
here with is a suggestion,
maybe you've got others
which would be very welcome,
but the young man that came
out to our house said
"

what if like a tax appeal
for someone in my situation,
you were to give a rating

from a zero to 10 and if we are serving at a nine then there's some sort of a break.

Because we live in an area that the city has zoned one acre minimum lot size, we're on septic systems.

And it is -- [buzzer sounding] -- I guess I'm out of time.

>> Cole: Why don't you go ahead and finish your thought, linda.

>> In conclusion, many of my neighbors could not be here today.

People are concerned and quite frankly a little upset.

Because we feel like we're being penalized where we have done nothing different and if your own people at austin water are saying that you are doing a good job and you are conserving and we are not even watering 20% of our yard, then is the heeest rate structure really appropriate?

I understand you are driving conservation, it doesn't take into account if you live on a large lot and are conserving.

>> Cole: Thank you.

>> It just isn't addressed.

>> Thank you, ms. solomon.

Our next speaker is benjamin jacobson.

>> Good afternoon, my name is benefit jacobson, i live -- ben jacobson.

I live in west minster glen as well.

There's been a change in the ownership of our water so the community as a whole is concerned.

I, too, conserve water and i think that the situation that has been put in front of us is that we are being penalized for using too much water, that's the way the structure was set up.

But I think that somebody needs to take look at the community average water usage.

Like linda mentioned, we live on larger lots, and i am a family of move, we use water, we're getting penalized for that, it's really just to bring attention to the right people to take a step back to look at the situation, our community as a whole, is being penalized and -- you know, it -- it's concerning to me that -- that it's a one-size fits all for

everybody and I think that there's some really good changes that can be made and so for somebody who does conserve, I need help.

I need help on how do i maintain the cost structure and -- and that that has been established for many, many years in the community.

And so -- just I'm really here to bring awareness and also to -- also to hopefully get some forward progress for our community.

Thank you.

>> Thank you, mr. jacobson.

>> Cole: If there are not any questions, I will entertain a motion to close the public hearing on the proposed -- so moved by councilmember martinez, seconded by councilmember morrison.

All those in favor say aye.

>> Aye.

>> Cole: That motion passes on 5-0 with mayor leffingwell and councilmember spelman off the dais.

Next we will take up agenda item 95 to conduct a public hearing and receive public comment on the city of

austin 2012-2013 proposed budget.

Council will hear more public comment on the proposed budget on august 30th, 2012.

The first speaker that we have is stewart hersch, please come down, stewart.

>> Thank you, mayor pro tem and members of the council.

My name is stew hart harry hersch, like most in austin I rents, as usual I am solely responsible for the contents of this message.

I have proposed several budget amendments based on the information that's available on the budget website and all of the responsive information that I have received in the last week under my open records request that I discussed with you last week during testimony.

First amendment is one million for the go repair program so that the current budget measure, which calls for only 26 homes being repaired can be increased.

The way to fund that is \$602,132 from the housing trust fund and \$397,868 from the building permit windfall revenue that based on open records will be coming in

that and in excess of that between now and the end of the fiscal year.

The second budget amendment is to fund \$600,000 for planning studies, so that the housing investment that we do next fiscal year meets federal requirements, local market conditions and council priorities.

I recommend you take that from the code compliance budget, since code compliance strategies need to align with housing affordability goals.

If you take the 602,000 from the housing trust fund, for home repair, then that will leave you with a deficit of 550,000 for the nhcd staff that was going to be mostly paid for out of the housing trust fund under the proposed budget.

I recommend that you spend 557,000 for nhcd construction, inspection and monitoring staff, take that from the code compliance budget so that city code requirements for property maintenance and in compliance are met using available funds for code compliance.

The fourth item doesn't require a budget amendment.

It's just to confirm that weatherization and holly repair funds will be available for home repair and improvements in the next budget year.

I can't find them in the draft budget.

Hopefully they're there somewhere and I can't see them.

And then if you do all of that, you can reprogram \$400,000 of community development block grant budgeted for the general obligation repair program that won't need to be spent for that, that could then be made for permanent supportive housing in very high and high opportunity areas to promote your geographic dispersion policy.

In addition to that, I'm back again this week, not as a representative of mexic-arte museum, but just because I identified some funds to help them out.

I think that you will find that there's building permit and plan review windfall revenue in the current and next budget year that could assist.

Currently you are collecting 447 hotel occupancy tax fees for hotels, motels and bed

and breakfasts [buzzer sounding] and you could -- but we're only licensing 155.

>> Cole: Thank you.

>> The rest of my suggestions are on your sheet, I really appreciate your patience with me and hopefully you can incorporate some of these creative suggestions as you adopt the budget.

Thank you very much.

>> Cole: Thank you.

Laura presley.

[One moment please for change in captioners]

>> one of the things that as a body the council's evaluating property rate increases because of this increased expenditures and the need for the extra dollars for the budget.

It's interesting in the 2012 budget that thing is about 1400 pages, we had a good list of budget cuts and savings for 2012.

Nowhere in the new budget is there such a list.

I think it's interesting if you compare them both, 2012 to 2013, the budget cuts and

cost savings category is missing.

And that's a little concerning as a citizens when you're looking at raising my property taxes, my property tax rate.

Part of the largest expenditures is the amount of bond debt that you just approved for today.

It's about 15.5 million.

That is the largest increase from last year, and that's pretty consistent with other years where you've had bond issuance and we have to absorb that interest and that -- payments for those.

This is my problem is where are the cost savings?

We've heard the city manager say before we do cost savings constantly for large departments.

Where is that?

It's missing.

And I would propose that you guys set the policy -- this is not the first time I've said this.

I've said it for months.

You guys need to set the policy for cost reductions, a goal for austin energy and

for the water utility, the large departments that you are over.

And if you don't set that policy it won't happen.

You have to set a bar and set expectations for that.

And as leaders we need to you do it.

We cannot continue these property -- property tax increases.

We're seeing it all across the board.

Central health district is doing it.

We've got the county doing it with the 200-million-dollar courthouse that's going to be on deck for the november election.

We've got more bonds that are coming up.

People cannot handle this.

We need your help.

We need to find the waste.

There's clearly waste in government.

Let's find it and you guys set the policy and goals for us to do that and cut it.

Thank you.

>> Cole: Thank you, laura.

Next we have janet barkley
buhur.

Correct me on your last name
if I got that wrong.

>> Thank you, mayor pro tem.

My name is janette barkley
buhur.

You did pretty good.

>> Cole: Thank you.

>> Thank you,
councilmembers.

I'm here representing again
the southeast austin
combined neighborhood plan
contact team.

And let's see, there's the
little slide.

And 78744 is within that
area.

And of course 78744 is one
of the major roads to the
new airport.

Our concern, the contact
team's concern, number one
concern is safety in the
area because the crime rate
since 2000 has shot up 61%.

And most of the crimes or a
good number of the crimes

are crimes against people,
they're violent crimes.

So the residents don't feel
safe.

So we're asking that in the
new operating budget the
city include enough money to
have increased police
attention to the 78744 area
to include a police
storefront in the heart of
78744, somewhere in the area
of the dove springs
recreation area, help with
the neighborhood watch
effort that the community
now is building in that
area.

Can we flip slides?

And also have bicycle police
in the community to so that
there's more one on one
contact with individuals in
the community.

While the crime rate has
shot up 61%, the police
storefront that was there
was pulled out in the early
2000's and the population
has increased 38%.

So now there's in the
neighborhood of 50,000
people in that area.

So we asked the city to do
its part and to help the
community get its crime
under control.

And we ask for increased police attention and responsiveness in reducing the crime.

Thank you very much for your time.

Thank you, councilmembers, for your public service.

And also thank you for adding an expansion, small expansion of the dove springs recreation center and improvements in parks in the area in the bond package.

>> Cole: Thank you.

Yes, councilmember morrison.

>> Morrison: I just wanted to mention that yet at our work session on the budget when we were going through budget, I don't know if you had an opportunity to see, but we had quite an extensive conversation with the police chief and chief mcdonald about storefronts and the suggestion of storefronts.

And let's just say they were pushing back a little bit, but what we ended up doing is coming to the conclusion that we need to get down there and visit and talk about what's really going on and see if we can't find some ways to deal with it.

So you will be seeing some folks show up pretty soon.

>> Thank you very much.

>> Morrison: Thank you for really trying to raise the issue and all the work you and your neighbors are doing.

>> Thank you very much.

Thank you, council.

>> Cole: Thank you.

Council, I wanted to let you know and the public know that mayor leffingwell had a family emergency, but he asked that we continue and that he plans to be back.

Next is mr. bob nix.

I didn't see bob.

Next after bob we have gus pena.

Next we have aleta banks.

>> Mayor pro tem, councilmembers, aleta banks, speaking on behalf of asian contractor association.

If you remember on april 26th the council voted unanimously to adopt a

,
wbe advisory board to increase the minority trade associations.

And item 1 on the resolution states, and I read, there is a disparity in funding among service provider contracts by smbr and by egrso.

And there should be an increase in funding for the minority trade contractor associations based on a graduated scale of yearly increases throughout the life of the service agreement, with the agreements having a minimum of three years with one year options.

That was item number 1.

But in this year the new proposed budget, the city did add \$5,000 to each of the three minority trade associations, using the leftover fund from the previously terminated contract.

But this amount is really a far cry from what we have requested, at least from the asian contractor association.

We have requested -- actually, we needed \$120,000 to -- in order to service our multiethnic asian community.

Since -- just give you a little background.

Since 2001 the asian contractor association has

received a yearly contract of \$45,000 from the city of austin to provide outreach program to a multiple group of peims in the asian community suchs the taiwanese, vietnamese, koreans and indians to name a few.

And since 2001 there has never been an increase in our funding or any important adjustments to our program to keep up with times and community needs.

And we found in the survey in 2010 from our contractors that they do desperately need technical assistance to help them step by step, to walk them through the procurement process.

Such as documentation, bonding, technical assistance such as the regulations and ordinances, how to come up with different documentations, documents.

And other topics such as planned reading and cost estimating, but current funding is really limited to only outreach.

And the outreach endeavor and only to very limited groups as well.

And also compared to other cities service providers who received steady increases

year after year, the trade associations -- sorry.

>> Cole: Go ahead and give you your thought.

>> Including the asian, black and the hispanic contractors associations are singularly left behind.

'
wbe program is to redress the racial discrimination in contracting activities by the government, the city can start with the trade associations in my opinion.

So I'm here to ask for your support.

>> Cole: Thank you.

carol
hadnot.

There she is.

>> Good afternoon, mayor pro tem and councilmembers.

Aleta has pretty much covered everything that i was going to cover, but I'm here to represent all of us, the minority trade alliance, which is made up of the asians, the african-american and hispanic contractors.

And we are here to request additional funding for fiscal year 2012 and '13.

We requested this earlier in the year and submitted our proposed program and justification as well as dollar amount for funding to smbr.

And we found out later that it declined our request.

And we don't know who management is because we're not told who they are.

But we are requesting additional funding.

We have not had an increase in 10 years.

And if you would look at the handout material on page two you will see the disparity in the funding.

And on page two you would see what we each are requesting.

And additional the pwbe advisory economy did request that they would do a study, an assessment.

The assessment was done, but it was flawed because it truly did not reflect what the trade associations provide.

All we're asking is a rate of return on our tax dollars back on our community to help develop and grow our businesses, give them the

tools and the skill sets
that they need to compete
for contracts.

And when we had this once
before a few years back, you
didn't see us down here
because we were doing much
better.

But now since we have not
had an increase you can't
fire hire people to do the
estimating and give the
legal advice that's needed
to negotiate contracts to
mediate issues.

So we're asking respectfully
that you restore -- increase
our funding to the amounts
that we have requested.

And thank you.

>> Cole: Thank you.

Mr. harris, rb harris?

I don't know if that's an
error.

Mr. harris?

There's no mr. marris.

Next we'll hear from juan
erwardos.

Can you say it for me when
you get to the mic?

>> Juan (saying name) good
afternoon, mayor pro tem and
councilmembers.

hispanic
contractors association and
I'm also here in support
with my colleagues to look
for additional funding.

And all we have in mind is
to get some parity in
funding with the other
organizations that deliver
educational services to
their constituents and to
their membership.

We have a rare opportunity
to invest in a community of
contractors that we don't
really show a good practice
of investment over the
years.

We've not had any funding to
speak of for the last 10
years, and last year i
conducted some classes that
had to do with just how to
read city plans.

We have contractors that
cannot access city plans
because it's extremely
difficult to look through
spec books and plans and
we're not there to teach
them how to be contractors,
we just want to teach them
how to maneuver and
negotiate a project when
they're looking at volumes
of specs and where to go and
what to do and what to do
next.

So these classes are very
needed and very necessary.

The more contractors we had that can access city projects, the more economic development happens.

The more people they can hire.

And they fuel the economy.

So and so it's a thing to invest in our contracting community.

And as my colleagues have said, we do have a need of different services for our constituents.

I also did some leed classes, environmentally friendly leed classes, which many of our contractors don't know about.

They're usually at the very end, at the tail end of movement in construction and leed of course is very important.

And they don't know the first thing about it.

They don't know where to look, what it means, who to work with.

So it was a very good, successful pilot program.

But we need support to hire the people that can actually give us the time to spend and teach our contractors how to build green.

And so there are many other services that our associations need and we hope you will consider getting some parity for the contractor associations for the city to support our contractors.

>> Cole: Thank you.

Next we have tom smith.

Mr. smith, are you here?

>> Good afternoon.

My name is tom smith.

I'm better known as smitty, director of public citizens texas office.

I'm here to talk very briefly with you all today about the austin energy budget and the solar provisions within that.

As you recall, several months ago you all created something called the local solar advisory committee.

And you asked us to come back to you with a recommendation on how much we should set aside in the budget for this next fiscal year.

And then you gave us a deadline of october 1st to complete our deliberations.

Unfortunately figuring out how much we need before we've had a chance to complete our deliberations and clean programs has been somewhat daunting, so what I'm here to do today is to report to you quickly on our interim progress and say what we would like to do is ask you all to put a placeholder in for \$10 million.

We think that would get us 10 megawatts of solar, up significantly from the approximately four megawatts of residential solar we're getting right now, and really take advantage and harvest a lot of the commercial solar that is potentially available out there and utilize the federal tax incentives.

Now, when we look at what we're spending currently and in this remarkably small chart at the bottom, which I may not be able to read because I didn't bring my glasses, what you find in the middle column is that our current expenditure rate, about a third of the way down there on residential at current burn rates is about \$5.6 million.

What Austin Energy is asking for next year is four million dollars for all the solar programs.

Then in addition about 250,000 for the projects currently being proposed for commercial solar.

And for that we're getting about six megawatts instead of the 10 we're hoping to be able to get next year.

We were told this is the way we budget commercial is for the payments or the production incentive payments on an annual basis as opposed to the full value of those over a 10 year period of time, which would be about \$3.5 million.

And there was a lot of question as to whether that is truth in budgeting.

This is to say what you think what the real budget would be is real close to 10 million if we looked at keeping our current expenditure rate for solar 6 for residential and the three million for the commercial plus a little bit of a bump.

How are we going to do all this, get 10 million and stay within the budget numbers.

We believe and have had a discussion that the incentive programs can and should be adjusted down, as we think the price of solar will drop significantly --

>> Cole: Can you get to --
why don't you go ahead and
close it.

>> I will.

And we will be back to
propose to you some changes
in the commercial solar
program that allows us to
harvest far more money.

For the moment we're asking
for a place holder of
\$10 million just to make
sure that we can do all
these things and get the
right budget numbers
truthfully in here to talk
about what this program is
going to be costing us.

Thank you for your time.

You have three minute.

>> My name is julio trevino.

Thank you, mayor pro tem and
council person, thank you
for taking the time.

I'm here in support of the
association -- the the
austin black contractors
association and the hispanic
association.

I'm a contractor and I'm a
disabled veteran and I had
one job with the city of
austin and I have not gotten
paid for the last four
months.

But if it wasn't for these people I would have lost this money already.

They've supported me, helped me out for the last four months and they walked me through the points that I've had to do, whether it's 00 at night.

They don't get paid to do all this, but they're out there supporting this, the contractors.

I'm not the only minority contractors having these problems.

These contractors come from out of state, they come out here and they just abuse us minority contractors.

And if -- with this raise that hopefully they get, we could probably get an attorney that will help us hispanics and blacks.

And minority contractors.

>> Cole: Adrian moore.

Thank you, mr. trevino?

>> Yes, good afternoon, mayor pro tem and councilmembers.

Adrian moore director on the council of at risk youth.

I would like to talk about delinquent presentation, drug abuse prevention for at risk kids.

I had an opportunity to speak before the austin public advisory committee on six occasions from december to may.

I summarized some of those comments in a letter to you in june of this year.

The highlights there are that we have a serious number of school age children that are arrested each year.

On average we've had 18,000 kids coming into the criminal justice system.

That's a problem.

We need to prevent that.

Secondly, we know based on recent research that the minority of all kids who go into the criminal justice system all pass through our school disciplinary system.

The gateway into the pipeline to prison.

We can do something about that.

Thirdly, I shared there are any number of imminence based programs, science proven programs that prevent

blink went si, -- present
delinquency, prevent youth
violence.

We've had numerous
independent evaluators over
the years, five of them.

Carey programs work, they
turn things around, they
reduce violence, they reduce
serious delinquent kinds of
activities.

We need to look forward in
the future to building a
youth violence prevention
infrastructure prevention is
less costly than criminal
justice.

We have an excellent
criminal justice system,
however criminal justice in
austin, texas, around the
country, is a mop-up system.

It occurs after the fact,
after the crime has been
committed.

We know who the kids are who
are going to commit the
crimes, we know when they
arrive in our school
disciplinary system.

We have evidence-based
programs that carey has
demonstrate and proven can
work collaboratively with
the austin independent
school district.

We need to invest in
building that infrastructure

for early intervention for
pregnancy and youth
violence.

We do want to prevent crime.

We can do that.

It's achievable.

It's far less costly than
criminal justice.

So I encourage the council
to let's look forward in the
next year or so to working
to looking at ways and means
to develop that prevention
and intervention
infrastructure.

Thank you very much.

We appreciate your support
for these past eight years.

>> Thank you, mr. moore.

>> Cole: That concludes
all of our speakers on item
number 95, the city of
austin's 2012-2013 proposed
budget.

Council will continue to
receive public comment on
the proposed budget on
august 30th, 2012 at
and will vote to
adopt the budget of
2012-2013 at the annual
meetings here at the austin
city council chamber.

These meetings will begin at
on monday,

SEPTEMBER THE 10th,
Tuesday september the 11th
and wednesday state
representative 12th.

I will entertain a motion to
recess today's public
comment portion of the
budget hearing and that
motion was made by
councilmember martinez and
seconded by councilmember
tovo.

All those in favor say aye?

That passes unanimously with
mayor leffingwell and
councilmember spelman off
the dais.

I move to recess today's
public comment portion of
the budget hearing.

I will entertain a motion to
recess today's.

Moved by councilmember
martinez and seconded by
councilmember morrison.

All in favor say aye.

Now the budget hearing is
recessed.

Next we have item number 96,
which is a public hearing to
receive public comment on
the proposed rate and fee
changes for austin energy.

And we have linda solomon
signed up to speak on austin
energy.

Linda, are you still here?

Next we also have benjamin jacobson signed up to speak.

And we also had tom smitty -- tom smith, which is smitty.

There are no further speakers, so I will entertain a motion to close the public hearing.

That was moved by councilmember martinez and seconded by councilmember morrison.

All in favor say aye?

That motion passes unanimously with mayor leffingwell and councilmember spelman off the dais.

Next we have item number 97, which we will take up to conduct the first of two public hearings to receive comments on the proposed maximum property tax rate of 50 cents per 100-dollar valuation for fiscal year 2012-2103.

The second public hearing on august 30th here in council chambers.

We have one citizen signed up to speak.

Two citizens.

Casey ramos?

>> Council, thank you.

My name is monique drew.

And what I am here today to share with you is the length of time that I have spent for the last almost 10 years researching.

And I have found several curious and disconcerting situations that I feel are occurring with -- between the tax assessor's office and the -- and tcad as far as deeds are concerned.

Some of these deeds aren't even being filed for a few years.

Which I find disconcerting.

The other thing that's very shocking to me was while we still had the reports, the records, the travis county record books, the original books, alongside the wall on I guess it was the fourth floor of the courthouse, on almost every one of those volumes you can find entries that have been covered up -- entries that have been covered up with whiteout.

Some of these entries go back into the 1800's.

It took them almost nine months to move those volumes from public access to behind

a counter where you had to check them out.

The other thing that is very, very disconcerting are these official forms that are mailed out to property owners once a year that are accessible at the tax assessor office at the terminal that the public have access to.

It was in the printers drawer.

A stack.

I don't know.

Does that make sense that an official government document is accessible to walkup public?

Does it?

It's scary to me.

This!

>> Cole: I understand.

We generally don't make comments, we just ask questions.

I know it's kind of strange, but go ahead.

>> I'm sorry.

So I just found a couple of things that are really, really strange to me, and

nobody has answered or responded to this.

And one of these things was a tax permit that was issued to me in '98 with carol keeton rylander's signature and the same exact form, same exact date.

Everything is identical.

John sharp's signature is on that.

And I just happened to find this, but it's perplexing to me.

So it just seems like there are a lot of deeds that are not being --
[buzzer sounds]
-- properly --

>> Cole: Why don't you finish your thought.

>> Thank you.

>> Cole: But a few seconds.

>> Okay.

It seems to be recurring and it seems to be going on for a long time.

And it's going on with a lot of documents, with death certificates.

It's just rampant.

So I just wanted to share that with you because i think it's a dangerous thing.

>> Tovo: Could I ask your name, please?

>> My name is monique drew.

>> Tovo: I thought the mayor pro tem called up someone else.

>> She signed up for me.

>> Cole: Will you see the clerk and get your name on the record?

>> Yes.

And I also would just like to say that I have volumes of documents that have been issued by agencies in texas that --

>> Cole: The clerk is waiting for you to give that information.

Next we'll have ross smith.

>> Good afternoon, mayor pro tem and council.

I'd like to call your attention to an item that ran in the paper earlier this week regarding bonds that have been approved by the voters in previous years and never issued.

One that I know that I've read about recently is bonding for improvements at butler park, which apparently went through back around 1998 and that has never been issued.

The reason the writer in the paper suggested that you all should get an accounting of all of the bonds that have been approved, but never issued to make sure that your current bond proposal doesn't have any overlap.

And I think that would be an excellent idea.

We don't want to be paying twice for something.

The other reason is because if the bonds were approved years ago, a tax -- a particular tax level was also approved to cover those bonds, but if they've never been issued it means that we've been paying for things all these years that we have not received.

And we should either get a tax refund or the rate that you are going to adopt for the coming year should be adjusted to reflect the fact that we've been overpaying for years.

So I suggest that you, if possible, hold off on setting the tax rate until you get an accounting from

staff on what bonding authority is already out there waiting to be used and potentially to be cancelled, and what that effect would have how much we have been paying for that bonding authority over the years that has not been used.

And what -- how much the tax rate should be adjusted in order to account for that.

Thank you.

>> Cole: Thank you, mr. smith.

That concludes our first public hearing on the proposed tax rate.

And that first public hearing is now closed.

The next item we have is -- I'll entertain a motion to close the first public hearing.

That's the safe way to do it.

That is moved by councilmember tovo and seconded by councilmember morrison.

Let us move to close the first public hearing on the property tax rate.

All in favor say aye?

That passes on a vote of five with councilmember spelman and mayor leffingwell off the dais.

Next we'll have to conduct a public hearing to receive public comment on the proposed tax rate and fee changes for the austin resource recovery department.

Councilmember martinez moves to close the public hearing, and that is seconded by councilmember tovo.

The motion has been made and seconded.

All in favor say aye?

That passes on a vote of five with councilmember spelman and mayor leffingwell off the dais.

Next we have a public hearing to adopt an ordinance approving an interim consent agreement and I believe we have a presentation by staff for the rio devida municipal utility district.

>> Thank you, mayor pro tem and council.

My name is greg guernsey, director of the planning, development review department.

It's for waiving certain sections that relate to interim consent ordinance for the rio devida m.u.d.

is approximately 2,130 acres and it's located in travis county, eastern travis county, north of colorado and on either side of state highway 130 in austin's e.t.j.

As you may recall back in 2011 city council approved a resolution consenting to special legislation that 's in austin's e.t.j.

The texas legislature es, including this one, and conditioned on the city's entering into a consent agreement with each m.u.d.

That would protect the city's interest until september 1st of this year.

The city successfully negotiated terms and entered into consent agreements with 's earlier this year.

And with the september 1st deadline quickly approaching and in consideration of the fact that council was ameanable to working with last year, today's action would provide an opportunity to extend the

time for negotiations with
the rio de vida m.u.d.

Before it expires.

I would like to remind you
that similar to the other
's, full staff review
and board and commission
review and another council
hearing would be required
before the council
consideration of a permanent
consent agreement
would take place.

So this in essence would
basically allow them to be
in the same position that
they are today for an
additional period of time.

It does not necessarily
create the district by the
action on a permanent basis.

So with that I'll try to
answer any questions that
you may have.

There's a representative
here of the rio de vida
property and also legal
counsel is here if you have
questions about the more
technical documents.

>> Cole: Richard mcdonald
is signed up to speak, i
believe for the rioio
de vida property.

Councilmember martinez.

>> Martinez: I have
questions for staff.

Because I remember the legislation and all the work that we kind of joined in and it was something i worked on specifically because we didn't want the m.u.d.'s hanging out there.

We wanted it negotiated, done and we created specially a consent agreement so that either party -- it put a very high level of ensuring that we would come to an agreement or something would happen.

So I wanted to ask about -- because I don't know that the statute speaks to an interim consent agreement and I just want to know what effect that has because in my mind a consent agreement means both people agree.

can move forward.

hasn't gone through the boards and commissions process, it hasn't gone through public input.

And I just want to know that we're not avoiding that.

>> I'm going to let sharon smith with the law department come forward and she can kind of go through those technical portions of your question.

>> Martinez: smith, if you could, can you briefly explain to us why we're asking asked to approve a consent agreement?

I know that the one-year date is approaching, but why haven't we achieved a full consent agreement in that year?

>> I'm sharon smith with the law department.

Since we adopted this legislation there's been litigation involving this property and who is going to be the utility service provider.

And that's been continuing on ever since then.

And since that's such a key component of what an overall consent agreement in the terms might include, the developer has not negotiated anything further with the city until the significant question of who the service provider is going to be.

We've initiated a declaratory judgment action to try to speed that along, but we haven't been successful so far.

So that's why we not only haven't completed negotiations, but haven't started negotiations on this

in any kind of substantive way.

>> Martinez: Is it a water utility lawsuit or a wastewater or electricity?

>> It's water and wastewater.

The property is partly in the ccn, the certificate of agreement and necessary area of southwest water company and partly in the city of austin's ccn.

policy provides that the property should be entirely within the city's ccn or at least served by the city of austin and that's not the facts on the ground at this time.

>> Martinez: Didn't we go through a similar situation with the creedmore ccn and a with the karma development?

>> Well, in that case the developer was able to get release from creedmore's service area and be served by us.

Southwest water's position is that each if they got out of southwest water's ccn that they would be prohibited from being served by us.

So that's different.

>> Martinez: Can I ask mader a couple of questions, program?

Pam?

>> Pamela mader on behalf of rio de vida.

>> Martinez: So give me a sense of this lawsuit and where you think it's headed and how long this consent agreement is going to sit in place until we move forward with something that is fully planned and discussed?

>> Yes.

As for the lawsuit, the lawsuit is between the city of austin and southwest water.

And so it's the city that is actively working on that lawsuit.

I can tell you that we are very eager to see that lawsuit resolved.

As sharon smith mentioned, policy requires the city of austin to be the utility provider unless council decides otherwise.

is very eager to be able to work through the terms of a permanent consent agreement with the city of austin and to work with staff and come

forward and go through the boards and commissions process.

And also ultimately to city council to show the boards and commissions and council has the extraordinary benefits, superior development and enhances other city interests that is set forth and required by the city's m.u.d. policy.

Timing on the lawsuit, just because it's difficult to know how long a lawsuit will take, is difficult to predict, but I know that the city is actively working on that lawsuit and is eager to see it move ahead just as we are.

As for the time period, i believe you asked to negotiate a permanent consent agreement.

I can tell you that the is eager to work forward on a consent agreement and the terms in an expedited manner.

So we are happy to go forward just as soon as it makes sense related to the status of the lawsuit and how that is proceeding.

Right now the interim consent agreement provides one year, so it's -- so it would need to be completed,

a permanent consent agreement would need to be entered into by september first of 2013.

And then I believe there's a one-year -- the city has the option for a one-year extension.

>> Martinez: So when we discussed this project previously I recall it being a full mixed use project with commercial and retail and in the ordinance that's in backup it speaks only to residential units.

Has the project changed?

>> No, the project has not changed.

It's approximately 2,132 acres, including 3 acres of colorado river and sh 130 frontage.

It is a mixed use project.

There have been no details changed about the project since the city last saw it about a year, year and a half ago.

It is a mix used project with all of those aspects.

Not just residential.

>> Martinez: Thank you.

smith, so can you --
what assurance requests you
provide to the council that
this interim consent
agreement, one, provides us
the protections that we need
to have a full public
process as to what the final
development would look like,
and two, the assurances that
if we
don't achieve a full -- i
don't know what we're
calling it, a full
consent --

>> permanent consent
agreement.

>> Martinez: Permanent
consent agreement in 12
months?

>>

>> this is unique
legislation, let me remind
everyone.

It's unique to have
legislation that provides
for a drop dead date on a
district like this and to
condition that drop dead
date with the extension of
that on the city taking some
action.

So all of these things that
I'll be talking about are
matters of first impression
and based on the existing
law that we have and what we
think is the best path for
enforceability.

To our consent agreement, the statutory language provides that the temporary director for the legislation cannot hold an election until the city has consented.

And it also provides that if the city does not consent by SEPTEMBER 1st, THEN THE District goes away.

So we're in a position of trying to determine how to extend that deadline.

The city cannot extend a legislative deadline unilaterally.

So what we're offering to you is an ordinance that consents to the creation of a district, but sets a term on the period of time that the consent agreement exists.

All consent agreements have some term.

It could be one day, it could be 10 years in our case we're setting a one-year with a one-year extension.

And it provides for unilaterally termination by any party on three days' notice as well as other terminations for cause.

And it also provides that the district will be

dissolved upon termination
of the consent agreement.

Does that answer your
question?

>> Martinez: Yes.

One minor point.

The unilateral, dissolving
of the district, is that
with cause or --

>> without.

>> Martinez: It's without.

Okay.

Great.

Thank you.

>> Cole: Councilmember
morrison.

>> Morrison: Thank you.

Can you just remind us what
the usual process has been
's that
we've worked with?

I know we had --
(indiscernible).

>> A strategic partnership
agreement.

>> Morrison: As well as a
consent agreement.

And there were some
extensive conversations
about what was going -- what

community benefits were going to be.

>> The way that works for pilot knob and southeast 's, the two major projects we brought in nine districts before you last spring, we negotiated the consent agreement last fall in 2011 you all set public hearings for the consent agreement in january and you took action on the consent agreement in march.

And that consent agreement contained a number of exhibits that had the substance of what the terms of the consent agreement would be with respect to all the components of water and wastewater service, land use, public safety and so on.

So that was included in the consent agreement.

The consent agreement then required that the city and the district ebb interia strategic partnership agreement.

So that was accompanied by a limited purpose annexation item.

So all in april set two public hearing for the strategic partnership agreement because that's

required to do limited purpose annexation.

And we entered into the strategic partnership in may.

>> Morrison: And I heard guernsey, I think i heard him say that this doesn't actually create the district, but I read it differently.

It does actually create the dimmit county, but it just can't do anything.

Is that correct?

>> That's right.

And that's how the that's a fine line in the way that the district creations are talked about.

Because the district was created by the legislation, but the district is not really effect waited until we've entered a consent agreement.

In our case our consent agreement is conditioning that further on a permanent consent agreement that goes through all the processes that we talked about before with boards and commissions and so on.

>> Morrison: Then one piece of -- I don't know if you all have the consent

agreement in front of you,
but one that caught my eye
01 where it's
talking about the permanent
board members may not be
elected until a permanent
consent agreement is
executed by the parties but
then it went on to say
meaning -- meetings,
organizational meetings and
conducting organizational
business, temporary board
members may not take any
action without prior written
approval of the city manager
or his designee, which was
concerning to me because
everything else has to come
through council.

So I was concerned about why
potential things could then
be -- the city manager would
then have authority to do
those?

>> Well, the state law on
what temporary directors
can do is determined in part
by attorney general
statements that say only
that which is set out in the
statutes can be performed.

The only limitation that
there is, generally
speaking, in the m.u.d.

Statutes, is that temporary
directors cannot hold a
confirmation election or
appoint permanent directors.

And therefore without that -- without doing that they can't issue bonds.

So that's sort of the major gate keeper issue that's of interest to cities.

But we were wanting to describe what our expectations between the parties were as to what the temporary directors could do such as conduct that original meeting, open up a bank account if they needed to, establish an address and so on.

I don't think that those things are really delineated by statute because obviously temporary directors have to do those things in order to convene a meeting, hold a permanent director's confirmation election.

So one option is to take that rang out of there, let the attorney general's opinion on what the statutes provide for prevail.

We still have the protection in there that bonds cannot be issued and essentially unless something else is specifically provided to by statute, temporary directors can't do it.

And the only thing that is provided in this enabling legislation is to hold a

confirmation election a and
elect permanent directors.

>> Morrison: I don't know
if this is a question for
you or for greg.

If we don't approve this,
then it sun sets like was
originally envisioned.

And I assume then the option
would be for them to go get
similar legislation passed
again when it's -- when the
litigation, for instance, is
settled.

I see greg nodding his head.

And do we have a staff
recommendation on this?

>> Our recommendation is
that if you desire to
lengthen that time period --

>> Morrison: The question
is do you recommend that
we -- do you have a
recommendation that we
approve this or not?

>> Staff would recommend
that we go forward and do
this.

I think it's in good faith
on both sides.

We're acting -- we don't see
this as a permanent
condition.

And really this is just --
from staff's standpoint it's

just keeping -- keeping it in place for another year and hopefully the issue is resolving -- are resulting from the litigation are resolved and the utility services and once that's taken care of then we can go into the process that you see similar for the other m.u.d.'s that w year.

>> Morrison: I appreciate that.

The main concern that I have is I want to make sure -- because we have>> ioing eere ps and con aavin egatedtth having tlope hg the option of going tceq for a standard m.u.d.

So we feel and staff feels that both sides in this situation benefit from the legislatively created m.u.d.

And that's the reason why staff is recommending it because when we have this legislatively created m.u.d.

It gives us the ability to , which is of great interes and to require the utility service and the other things that are in the m.u.d. policy.

And similarly the developer gets certain benefits such as being able to use the bond money for surface restoration because it's a

(indiscernible) right now
which is not part of the
m.u.d.

>> Morrison: And i
understand that, but let me
ask you some other questions
because I know we had a
chance to talk before, but
since then I read the rest
of the agreement.

And it's raise some day
questions for me since this
is uncharted territory as
you said.

This is a matter of first
impressions of the the first
thing is in this section it
says that the date of this
agreement has been signed --
the effective date is the
date that this agreement has
been signed by the city and
developer.

And I thought there were
three parties to this
agreement.

>> There are, but we want
the effective date to be
immediately.

And it was upon execution
because it needs to be
before september first,
2012.

And we provide in this
agreement that although the
district can sign it, it's
going to continue to be
effective without the
district's execution.

>> Morrison: So theoretically this agreement creates a district, but doesn't require that they agree to it.

And if they don't, it says 01 that it dissolves.

>> Correct.

>> Morrison: And it says that the ordinance will be void if they don't -- the ordinance as well as the agreement will be void unless it's executed by both the district and the developer.

Can we actually void ordinances?

I was under the impression that only council would avoid ordinances with another ordinance.

>> That might be right.

I'm not sure.

I'll look at that.

>> Morrison: Okay.

And then the other -- i think there's a typo.

You provided me with the statute and it was section 8379.

>> That's correct.

We'll make that change.

>> Morrison: And then in 09, this is where I'm concerned about making sure that there aren't any leeches of our lever raj in terms of coming up with agreements because -- well, first of all it says the city, the district and the developer each agree to execute such further documents or instruments as may be necessary to evidence their agreements.

Do we believe that each though district is severely limited in what they can do, like we just talked about, basically they can't do anything except for come into existence, that they will be able to execute such agreements?

>> This is just standard language that we would pickup put in there if there were something like that that needed to be executed.

I don't know what that might be.

>> Morrison: Okay.

And so then in b, it talks about the city agrees to cooperate with the developer in connection with any waivers or approvals the developer may desire from travis county in order to avoid duplication.

I guess I was under the impression there wouldn't be any development under the timelines of the life of this agreement.

That's 4.09-b.

>> There's another section that I'm looking for.

In several places in the agreement that are provisions that if the developer submits development applications or enters into service agreements that we can terminate the agreement.

We can still do that unilaterally.

This is standard language that's in these agreements.

I would have to ask greg to talk more about what might be envisioned under that or whether this language is necessary.

We erred on the side of including things if we thought there was some amount of authority that might be needed, but if there's no possibility to effect the way that, I don't think we need to take it out.

>> There's two other issues.

I'll just say there are two other issues in here that

tell me that this is
uncharted territory nod to
these others that make
necessity uncomfortable.

So I wouldn't really be able
to support this.

But in c there's language
that says if any future
legislation would have the
effect of prohibiting
annexation, the intent of
the parties, that the
district would be governed
by the provisions of this
agreement notwithstanding
such legislation.

So I'm really concerned
about what that actually is
foreseeing and I don't know
which side of the argument
we would be on.

And the last one is d, where
it says in the event of any
third party lawsuit or any
claim relating to the
validity of this agreement
that the city will agree to
cooperate in the defense of
such a suit.

And again, one would think
that if we're -- if we're
signing this that we would
want to do that, but I just
don't have a good enough
sense that we have our feet
on the ground with all of
this.

So I know it's close to
5:30.

I'm going to make a motion that we not approve this extension.

>> Cole: Councilmember morrison makes a motion that we not approve the extension.

Councilmember martinez?

>> I'm going to try to make a substitute motion that we consider a postponement to next thursday, which I think would still give us time to enact it by september 1.

>> That's correct.

>> Martinez: So that we can talk it this through, so that the mayor can get back here, because you need four votes on an ordinance and we may not have four votes on --

>> you need five votes --

>> Cole: For all three readings we'll need five.

>> Martinez: I'm going to give us a chance to talk about this for another week, see if we can clean it up.

If we vote positively.

So I'll make a motion to postpone until next thursday.

I know we only have a public hearing on budget, but this

is an important item and i would ask that we consider putting it on for thursday.

>> Cole: Councilmember tovo.

>> Tovo: I'd like to second that.

I think we have additional questions to ask of staff.

>> Cole: I would like to add that I believe that councilmember morrison has pointed out several additional questions that bear consideration and i will be supporting this motion.

Any further comments?

All those in favor of the motion to substitute please say aye.

That passes on a vote of five to zero with councilmember spelman and mayor leffingwell off the die -- on the substitute motion passes on a vote of five with councilmember spelman off the dais and mayor leffingwell off the dais.

We will have live music and 30, but without objection, I will entertain a motion to adjourn.

So moved by councilmember
morrison.

Seconded by councilmember
martinez who is standing.

And all those in favor say
aye.

This meeting of the austin
city council is now
adjourned and we will begin
live music and
proclamations.

>> Cole: Joining us today
is suns of orpheus.

Just last month fredericko
hand picked seasoned
musicians to embark on a
musical vision of
international, psychedelic
pop sound.

Thus suns of orpheus was
born, influenced by american
funk, world beat music of
the early 1970's, the group
exudes singular energy and
charisma in their live
shows.

They were voted among the
top 10 best new bands in
2011 austin chronicle music
ballet.

Today they release their
album.

Their music represents our
ability to thrive in
diversity and hope.

In recognition of musical
excellence and cultural
outreach, we present sons of
orpheus.

[Applause]
[♪♪music playing♪♪]

>> thank you very much.

[Applause]

>> Cole: For that
wonderful presentation we
have a proclamation that i
will read.

Be it known that whereas the
local music community makes
many contributions toward
the development of austin's
social, economic and
cultural diversity and
whereas the dedicated
efforts of artists further
austin's status as the live
music capitol of the world
now therefore i, lee
leffingwell, mayor of the
city of austin, here by
PROCLAIM AUGUST 23rd, 2012
As sons of orpheus day.

[Applause]

>> thank you so much for the
honor.

On behalf of the whole band
we want to thank the city of
austin and the mayor of
austin for promoting music
and doing what you guys can
for local musicians here in
town.

I want to thank our
community as well.

We have been working many,
many years, everybody here,
both as educators of music
as well as folks who listen
to music and world beat
musics and we try to bring
that to communities all over
the austin area.

In the name of the sun sons
of orpheus, we want to say
thank you to the supporters
of arts in the area and we
want to thank our ancestors,
our families and our
community.

It's a great honor.

I arrived here in austin,
texas about 14 years ago as
a brazilian who came to
study and I ended up falling
in love with this place.

And austin really opened its
arms and hearts to this kind
of music.

And I don't think a mix of
american and brazilian music
would thrive as well as it
does here.

Very few places on the
planet.

Thank you so much for the
opportunity to create music
for you guys.

Appreciate it.

[Applause]

I would just say that yes,
we are releasing a record
today.

It's available at our site,
com and
tonight we celebrate at
antone's, antone's, a
legendary place here in
austin, opened its doors to
us.

We will be there at antone's
tonight.

Check it out, suns of
orpheus.

We are out there.

Thank you so much.

[Applause]

>> Riley: Hey there.

I am austin city
councilmember chris riley
and as a proud alumnus of o.

Henry junior high school it
gives me a proud opportunity
to do this proclamation n
recognition of a very
significant event coming up.

It is the 150th birthday
henry, otherwise known
as william sydney porter.

As many of you know william
sydney porter lived about a
third of his life in texas,
spending much of that time
in austin.

He became a very important part of our local history and folklore.

And so this event is a great opportunity to remember him and take account of all the time that he spent here.

And share some stories about his contributions to our local culture.

So with that in mind I'd like to present this proclamation to Michael who runs the show over there at Henry Museum, which many of you know is over on Brush Square near the convention center.

The proclamation reads as be it known that whereas September 11th marks the sesquicentennial birthday of William Sydney Porter.

The short story writer Henry who authored such classics as Gift of the Magi, The Ransom of the Red Chief and The Last Leaf.

Henry spent about a third of his life in Texas and from 1893 to 1895 he rented the house in Austin that is now the O.

Henry Museum.

He worked at the first national bank and the general land office.

Whereas a handful of his stories are established in austin and while here he had a newspaper called the rolling stone, which is now the -- for those of you who henry, you know that's the paper over at henry middle school I guess it is now.

henry museum is opening a new henry, original slacker.

And has many festivities planned to help our community celebrate his 150th birthday.

Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim SEPTEMBER 11th, 2012 AS O.

Henry's 150th birthday.

So I'm going to present this to michael.

[Applause]

>> thanks, councilmember riley and the rest of the city council.

My name is michael and i henry museum at 409 east fifth street.

It is the former residence
Henry, who was born
William Sydney Porter in
Greensboro, North Carolina
September 11th, 1862.

We are in the Parks and
Recreation Department.

Henry, as was mentioned,
is a famous short story
writer.

He wrote three, four, five
hundred short stories.

Henry is
you can ask five people
their interpretation of one
thing and you get five
different stories.

There's no like clear
picture on O. Henry.

Going back to the gifts of
the Magi, we were having a
conflict about the title.

A lot of people think it is
the Gift of the Magi,
but we actually have a copy
of the original story as it
was published in the New
York World in 1905 hanging in
our museum and it says Gift
of the Magi, so that's what
I go by.

With a show of hands can I
see who has read Gift of the
Magi?

For those of you who have
not read it, the short story
about a poor New York couple

that want to buy each other
christmas presents.

They don't have a lot of
money.

The woman has this long,
luxurious hair that she
decides to cut and sell so
she can buy her husband a
fob for his pocket watch.

It kind of connects it to
the pants.

He meanwhile sells his
pocket watch so he can buy
combs for the hair she's
just cut.

Henry was known for
those twist endings.

That story was based in New
York City, but as was
Henry cut his
teeth as a writer here in
Austin.

But he was not just a
writer.

He was quite the renaissance
man.

He was a musician.

He performed in a band
called the Hill City
quartet.

They started as a serenading
group and turned into a
popular club band.

He was also a cartoonist.

For awhile ran the rolling
stone, a weekly newspaper
here that I like to equate
to kind of a precursor to
the onion.

It was is a tear kel, poked
's and
I don't think it stuck
around very long.

He did all the illustrations
for that.

A lot of people say that
drawing was his primary
gift, but he thought it was
drudgery to draw, so he
didn't want to pursue that
as a career.

In any case, one other job
henry had here in town,
one other profession he had,
he was a bank teller, worked
at the first national bank
of austin.

He was actually convicted of
embezzlement, stealing from
the bank.

I find it sweet justice that
we're here today praising
him.

A lot of people say he
didn't do it.

That's what we go by at the
museum.

[Laughter].

A great way to learn more
henry is to attend

an event that we are hosting
at the museum on saturday
september 15th.

henry
150th birthday crawl.

And we're hosting it in
conjunction with the austin
history center and the
capital visitors center.

It's going to be a day long
slate of events from noon to
5:00.

Free.

There will be complimentary
shuttle service between
sites, which is always
incentive.

I want to talk just
specifically about what
we're going to do at the o.

Henry museum, which again is
located at 409 east fifth
street and our website is o.

Henry museum.org.

We're going to open our new
henry, original
slacker, in which we show
henry forged the
template for the popular
character in richard link
later's film slacker.

We're going to have a live
performance by the new hills
city quartet, which is a
reinterpretation of o.

Henry's parlor band here in
austin from the 1890's.

We're going to have a mass
reading of buried treasure,
an o. henry short story.

We'll have turk partnership
kin, sarah bird, steven hair
began, some really heavy
hitters here in austin.

And we're also going to have
the unveiling of the united
states postal service's new
stamp honoring o. henry.

We'll have a lot of cool
stuff.

I urge you to come down and
learn about as one facebook
commenter I saw today
henry as one
wild and crazy dude.

SEPTEMBER 11th 15TH, O.

Henry, be there.

>> Next we have austin
diversity month.

I am so proud and privileged
to do this.

This is all the city staff
representing and celebrating
diversity.

You know what's coming?

[Laughter].

Okay.

This is a proclamation for all that you do to promote diversity.

Be it known that whereas diversity can be defined as an individual, distinct qualities and differences and the sensitivity it takes to respect those differences.

And whereas by valuing culturally diverse individuals and developing a positive work environment, our city can ensure a high level of productivity among professional city staff while preserving the best that each employee has to offer.

And whereas the city is committed to appealing to the ever changing demographics of austin for public services -- for public service who are accountable, who exhibit the highest ethical conduct and who operate with integrity.

And whereas understanding and accepting the concept of various cultures, working in harmony will enable all of us to enjoy the reality of diversity and lead austin to become the most liveable and best managed city in the nation.

Now therefore i, lee leffingwell, mayor of the

city of austin, do here by
month.

[Applause]

[one moment, please, for
change in captioners]

>> we are planning several
special events for this
month, but we believe that
we want to celebrate
diversity all year long.

So on behalf of marc ott,
our city manager, our acm
anthony snipes and the human
resources director, let me
now thank you all for your
support.

[Applause]

next we have a
proclamation for childhood
cancer month.

Hi, sweetie.

How are you?

Come up here.

We h proclamation to
recognize childhood cancer
as being a leading cause
that we must address.

Okay?

I'm going to read it, okay?

Childhood cancer is the
number one disease killer
and second leading cause of
death of children aside from
accidents, and whereas on
any given school day

approximately 46 young people are diagnosed with cancer, totaling more than 12,500 children diagnosed each year, and whereas every year more than 2500 children under the age 20 our most precious resource and the treasures of our hearts, lose their lives to cancer.

Now, therefore, I, Lee Jeffingwell, Mayor of the City of Austin, Texas, do hereby proclaim September 2012 as National Childhood Cancer Awareness Month.

[Applause]

>> hi.

My name is Georgia and I'm 12-year-old.

I love to read and jog and swim and next week I'll be starting 7th grade at the Ann Richards School for Young Women Leaders.

[Cheers and applause]
I am also a childhood cancer survivor.

I was diagnosed with acute lymphoblastic leukemia the day after my 10th birthday, and on April 29 I completed 28 months of treatment.

I was treated at Dell Children's Hospital and the Children's Blood and Cancer Center and most of the time

I was on a clinical trial that tested different ways to give the chemotherapy I was getting.

Most kids in treatment are on some type of clinical trial because there are not enough good medicines available to cure them or treat them without making them sicker.

That's why supporting childhood cancer research is so important.

September is national childhood cancer awareness month and I'm asking for your help.

You can raise awareness by wearing a gold ribbon, which is a symbol for childhood cancer or putting one in your yard or on your car.

You can tell people that 46 kids just like me get diagnosed with cancer every weekday.

You can donate blood and register as a bone marrow donor.

You can support cancer research by walking with us in the Austin Cure Search walk on Saturday, September 29 at Southpark Meadows.

Or by donating to other charities that specifically

benefit childhood cancer
research.

I'm blessed and lucky to be
standing here today, but i
want all kids to enjoy the
same victory I had.

Please do something in
september to raise awareness
of childhood cancer because
kids can't fight this battle
alone.

Thank you.

[Applause]
leukemia
now we will hear a
proclamation for take a
loved one to workday, and i
hope my mom is watching.

Be it known that whereas a
serious health gap exists
between racial and ethnic
minority populations and the
general public showing that
they are more apt to suffer
from such problems as heart
disease, stroke, cancer,
diabetes, sexually
transmitted diseases, infant
mortality, hiv, aids, and
whereas early detection of
disease, proper referral to
quality health care
resources and immunizations
against diseases are
essential steps towards
reducing such health
disparities and whereas the
national take a loved one
for a checkup day campaign
is aimed at encouraging
individuals, especially

those in need, to live
healthier lives and to visit
a health care professional.

Now, therefore, I lee
leffingwell, mayor of the
city of austin, do hereby
proclaim september 15, 2012
as take a loved one for a
checkup day.

Thank you.

[Applause]

>> stephanie, haggan, please
step down to the -- on
behalf of carlos rivera, I'm
shannon jones, deputy
director of austin/travis
county health & human
services department.

We'd like to thank the
service for its support for
this initiative for the last
seven years.

As you know this is one of
the initiatives of the
african-american quality of
life and has been very
engaged in outreach
community and carrying
services to the community.

But we do it not by
ourselves, we do it in
partnership with many of the
agencies in our community
who are represented here
today.

So I'm going to call upon
sam price to come forth and

acknowledge the work has been done.

A little bit about take your loved one to a doctor's day, which is a national initiative and what we're doing here in austin and acknowledge our partners, sam.

>> I just want to give you a little bit more information about this event.

Like he said, this is our 7th year of sponsoring this event, and we hope we can do plenty more years of sponsoring this event.

But I would like to first say that this event -- one of the things we want to accomplish with this event is prevention through lifestyle changes to delay on set of disease, prevention through screening to detect early signs of illness and community partnerships to expand range of service in the community.

With that said, I would like to recognize -- a lot of them aren't here today but we want to recognize everybody on the list, and the ones that are here you can kind of raise your hand up and say, hey.

has sponsored this event for the last seven years.

We're really grateful for
for giving us the
space and opportunity to do
this on their parking lot,
and there's no one from
here but I'd just
like to, you know, thank
them for giving us that
space and being a
co-sponsor.

First of all, seton family
hospitals, I want to
recognize, and they're not
here.

Amir group, they're not
here.

Smile dental, united health
care, top ladies of
distinction, and that's our
volunteers.

They're great.

Health & human services
department, we have a
handful of them here.

Abercrom home health,
american nurses, well med,
health care services,
doctors on wheels,
shinika jackson, next
care and community care.

As you can see, we do have a
lot of community partners
because we're -- without
them I don't think we could
do anything in this
community and be successful
attacking the diseases and
all the health disparity.

So we're very, very grateful to have all our community partners here and I want to thank them for giving us the help of addressing these issues.

With that said I guess that's it.

We can take some pictures, huh?

[Applause]
oh, let me say, I'm sorry, this event will take place -- as I said, the springdale and it's located at 7112 ed bluestein from 11:00 to 4:00 p.m.

Come on over.

Luc
limb for blastoma
next we're here to recognize the jazz in motion youth concert.

We have a proclamation.

Be it known that whereas the women in jazz association is an organization committed to providing jazz performances and education to austin residents in an effort to keep this important american art form alive, and whereas the jazz and motion youth concert sponsored by women in jazz features austin presenting amuse music cal history of jazz through industry, sing goes, jazz and poetry, we're pleased to

recognize performers
including lava dance
company, flava dance
company, the jazz group
frontier live, musicians
blane sacks ton, simone
washington, clayton winfrey,
jonathan johnson, justice
philip and singers kyleely
PHILLIPS, shannon McKizik
and tree gee and pamela hart
heart and james polk are
providing artistic directing
mentoring and coaching for
this performance.

Now, therefore, I lee
leffingwell, mayor of the
city of austin, texas, do
hereby proclaim
september 15, 2012 as the
jazz in motion youth
concert.

[Applause]

>> thank you, council member
cole.

We are very excited to be
able to present jazz in
motion on september 15, and
just as women in jazz
usually does, we have a
wonderful lineup for austin,
and we are most excited that
it's all about passing the
torch to young people.

And we have with us a
representative from our
board of directors,
kevin hart, and
charlisa russell but
we're also excited to have
one of our fabulous

performers, and this is
blane sixton, and he is
going to be playing the alto
saxophone in the show and
his very supportive mother,
la arnie ayuna is here with
his little brother.

Blane, do you want to tell
them what you'll be playing
on the 15th?

>> On the 15th I'm going to
be playing alto saxophone,
and the songs I'm going to
be playing are starlight,
autumn leaves and
[inaudible] by charlie
parker.

All right.

[Applause]

>> so they're going to be
doing traditional jazz
starting with the 1920s,
doing big band era, ella
fitzgerald, into the '40s
and '50s for the charlotte
charlie parker all the way
up to the 2000s with india
miri and modern things.

We have singers, we also
have another saxophone
player, a pianist, drummer
and a young band, frontier
live and the flavor dance
company.

So again we're passing the
torch to these young folks
and we're going to be at
reagan high school on
september 15 and we sure

appreciate the city's
support.

This is a project that is
funded in part by the city
of austin through cultural
contracts, which women in
jazz has been supported for
over 1 by the city
and we appreciate that
support.

Thank you very much.

[Applause]
we are about to
recognize peace and dignity
day, and we have a
proclamation that states, be
it known that whereas peace
and dignity journey runners
embarked on a run from
chickaloo alaska to tekal
guatemala on may 1 to pray
for and raise consciousness
of the need to preserve
clean water for all the
people of the world.

And whereas we join the
indigenous people of texas,
apache, calahoot arc,
complanchy members of the --
comanche members, maya, at
tecata, mexican and other
indigenous -- wait, I'm
saying this wrong.

I want to say it right.

Read those for me.

[Reading names]
lacota, mashika.

>> And other indigenous nations who reside here and showing support for the runners, and we are pleased to welcome the peace and dignity runners and to wish them much success on their mission as they pass through our city on their seven month trek through north and central america.

Now, therefore, I lee leffingwell, mayor of the city of austin, do hereby proclaim september 17, 2012 as peace and dignity day.

Thank you.

[Applause]

>> well, thank you very much.

I know it's late and everybody is hungry so i want to make it sweet and short.

It is known that the waters of the world are very contaminated, and the native people have taken up on their shoulders the awareness action of running as we used to do it back in the old days, so we're back in that same mode of thousands of years ago.

And we started -- I say we because I had the honor of starting in alaska in chickaloon on the first day of the run, which was may

the 1st, and the runners on one of the legs is going to pass through austin on september the 16th.

They will arrive at barton springs, to which we also request the addition of a name which is the original name.

It was in quwavileteco and it's called [inaudible], which means sacred springs, and we are requesting the council, whoever is in charge of that naming, if they can include that name as the original name.

Also, we have a fundraising that's going to take place on the 9th here at la pena.

If you're willing to help, you're welcome.

00 to 00, the raise some funds for the runners.

They need gas, they need food, and they also need probably a bath right after they finish the run that day because we're going to start in waco.

And we are going to arrive at barton springs so we request that barton springs be open for the runners.

I don't know if that's possible from the city government.

But anyway, we'll have
this -- and I also want to
present the people that are
here, and I want to
acknowledge bob carroll,
which is a dear brother of
mine.

Diana woalok, barrago which
represents a nation of
mexico, rita cheroge, which
is a native american woman
but she adopted the dakota
ways of living.

Two other people which are
members of the mayan nation.

Thank you very much.

[Applause]